

House File 2526 - Reprinted

HOUSE FILE 2526
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 736)

(As Amended and Passed by the House March 18, 2010)

A BILL FOR

1 An Act relating to and making appropriations for health and
2 human services and including other related provisions and
3 appropriations, and providing effective, retroactive, and
4 applicability date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

DEPARTMENT ON AGING

Section 1. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for the frail elderly, resident advocate committee coordination, employment, and other services which may include but are not limited to adult day services, respite care, chore services, telephone reassurance, information and assistance, and home repair services, and for the construction of entrance ramps which make residences accessible to the physically handicapped, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,662,988
.....	FTEs	36.00

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. a. Of the funds appropriated in this section, \$1,246,514 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver. The department of human services shall adopt

1 rules for case management services provided under the medical
2 assistance elderly waiver in consultation with the department
3 on aging.

4 b. The department of human services shall review
5 projections for state funding expenditures for reimbursement
6 of case management services under the medical assistance
7 elderly waiver on a quarterly basis and shall determine if an
8 adjustment to the medical assistance reimbursement rates are
9 necessary to provide reimbursement within the state funding
10 amounts budgeted under the appropriations made for the fiscal
11 year for the medical assistance program. Any temporary
12 enhanced federal financial participation that may become
13 available for the medical assistance program during the fiscal
14 year shall not be used in projecting the medical assistance
15 elderly waiver case management budget. The department of human
16 services shall revise such reimbursement rates as necessary to
17 maintain expenditures for medical assistance elderly waiver
18 case management services within the state funding amounts
19 budgeted under the appropriations made for the fiscal year for
20 the medical assistance program.

21 3. Of the funds appropriated in this section, \$179,964 shall
22 be transferred to the department of economic development for
23 the Iowa commission on volunteer services to be used for the
24 retired and senior volunteer program.

25 4. a. The department on aging shall establish and enforce
26 procedures relating to expenditure of state and federal funds
27 by area agencies on aging that require compliance with both
28 state and federal laws, rules, and regulations, including but
29 not limited to all of the following:

30 (1) Requiring that expenditures are incurred only for goods
31 or services received or performed prior to the end of the
32 fiscal period designated for use of the funds.

33 (2) Prohibiting prepayment for goods or services not
34 received or performed prior to the end of the fiscal period
35 designated for use of the funds.

1 (3) Prohibiting the prepayment for goods or services
2 not defined specifically by good or service, time period, or
3 recipient.

4 (4) Prohibiting the establishment of accounts from which
5 future goods or services which are not defined specifically by
6 good or service, time period, or recipient, may be purchased.

7 b. The procedures shall provide that if any funds are
8 expended in a manner that is not in compliance with the
9 procedures and applicable federal and state laws, rules, and
10 regulations, and are subsequently subject to repayment, the
11 area agency on aging expending such funds in contravention of
12 such procedures, laws, rules and regulations, not the state,
13 shall be liable for such repayment.

14 DIVISION II

15 DEPARTMENT OF PUBLIC HEALTH

16 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. The allocations
17 made in this section may include amounts carried forward from
18 appropriations and allocations made for the same purposes in
19 the previous fiscal year. There is appropriated from the
20 general fund of the state to the department of public health
21 for the fiscal year beginning July 1, 2010, and ending June
22 30, 2011, the following amounts, or so much thereof as is
23 necessary, to be used for the purposes designated:

24 1. ADDICTIVE DISORDERS

25 For reducing the prevalence of use of tobacco, alcohol, and
26 other drugs, and treating individuals affected by addictive
27 behaviors, including gambling, and for not more than the
28 following full-time equivalent positions:

29	\$ 28,974,840
30	FTEs 18.00

31 a. Of the funds appropriated in this subsection, \$7,438,282
32 shall be used for the tobacco use prevention and control
33 initiative, including efforts at the state and local levels, as
34 provided in chapter 142A.

35 (1) The director of public health shall dedicate sufficient

1 resources to promote and ensure retailer compliance with
2 tobacco laws and ordinances relating to persons under 18
3 years of age, and shall prioritize the state's compliance in
4 the allocation of available funds to comply with 42 U.S.C.
5 § 300x-26 and section 453A.2.

6 (2) Of the full-time equivalent positions authorized in
7 this subsection, 2.00 full-time equivalent positions shall
8 be utilized to provide for enforcement of tobacco laws,
9 regulations, and ordinances.

10 (3) Of the funds allocated in this lettered paragraph,
11 \$1,796,508 shall be used for youth programs designed to
12 achieve the goals of the initiative, that are directed by youth
13 participants for youth pursuant to section 142A.9.

14 b. (1) Of the funds appropriated in this subsection,
15 \$17,920,028 shall be used for substance abuse treatment and
16 prevention.

17 (2) It is the intent of the general assembly that from the
18 moneys allocated in this lettered paragraph persons with a dual
19 diagnosis of substance abuse and gambling addictions shall be
20 given priority in treatment services.

21 c. Of the funds appropriated in this subsection, \$300,320
22 shall be used for culturally competent substance abuse
23 treatment pilot projects.

24 (1) The department shall utilize the amount allocated
25 in this lettered paragraph for at least three pilot projects
26 to provide culturally competent substance abuse treatment in
27 various areas of the state. Each pilot project shall target
28 a particular ethnic minority population. The populations
29 targeted shall include but are not limited to African-American,
30 Asian, and Latino.

31 (2) The pilot project requirements shall provide for
32 documentation or other means to ensure access to the cultural
33 competence approach used by a pilot project so that such
34 approach can be replicated and improved upon in successor
35 programs.

1 d. (1) Of the funds appropriated in this subsection,
2 \$3,716,530 shall be used for funding of gambling treatment,
3 including administrative costs and to provide programs
4 which may include but are not limited to outpatient and
5 follow-up treatment for persons affected by problem gambling,
6 rehabilitation and residential treatment programs, information
7 and referral services, education and preventive services, and
8 financial management services. Of the amount allocated in
9 this lettered paragraph, up to \$100,000 may be used for the
10 licensing of gambling treatment programs as provided in section
11 135.150.

12 (2) (a) Notwithstanding any provision to the contrary,
13 to standardize the availability, delivery, cost of
14 delivery, and accountability of gambling and substance abuse
15 treatment services statewide, the department shall continue
16 implementation of a process to create a system for delivery
17 of the treatment services in accordance with the requirements
18 specified in 2008 Iowa Acts, chapter 1187, section 3,
19 subsection 4. To ensure the system provides a continuum of
20 treatment services that best meets the needs of Iowans, the
21 gambling and substance abuse treatment services in an area may
22 be provided either by a single agency or by separate agencies
23 submitting a joint proposal.

24 (b) From the amounts designated for gambling and substance
25 abuse treatment, the department may use up to \$100,000 for
26 administrative costs to continue developing and implementing
27 the process in accordance with subparagraph division (a).

28 (3) The requirement of section 123.53, subsection 3, is
29 met by the appropriations and allocations made in this Act for
30 purposes of substance abuse treatment and addictive disorders
31 for the fiscal year beginning July 1, 2010.

32 2. HEALTHY CHILDREN AND FAMILIES

33 For promoting the optimum health status for children,
34 adolescents from birth through 21 years of age, and families,
35 and for not more than the following full-time equivalent

1 positions:

2	\$	2,710,062
3	FTEs	14.00

4 a. Of the funds appropriated in this subsection, not more
5 than \$738,203 shall be used for the healthy opportunities to
6 experience success (HOPES)-healthy families Iowa (HFI) program
7 established pursuant to section 135.106. The funding shall
8 be distributed to renew the grants that were provided to the
9 grantees that operated the program during the fiscal year
10 ending June 30, 2010.

11 b. Of the funds appropriated in this subsection, \$304,885
12 shall be used to continue to address the healthy mental
13 development of children from birth through five years of age
14 through local evidence-based strategies that engage both the
15 public and private sectors in promoting healthy development,
16 prevention, and treatment for children.

17 c. Of the funds appropriated in this subsection, \$31,597
18 shall be distributed to a statewide dental carrier to provide
19 funds to continue the donated dental services program patterned
20 after the projects developed by the national foundation of
21 dentistry for the handicapped to provide dental services to
22 indigent elderly and disabled individuals.

23 d. Of the funds appropriated in this subsection, \$129,279
24 shall be used for childhood obesity prevention.

25 e. Of the funds appropriated in this subsection, \$187,890
26 shall be used to provide audiological services and hearing
27 aids for children. The department may enter into a contract
28 to administer this paragraph.

29 f. It is the intent of the general assembly that the
30 department of public health shall implement the recommendations
31 of the postnatal tissue and fluid bank task force created in
32 2007 Iowa Acts, chapter 147, based upon the report submitted
33 to the general assembly in November 2007, as funding becomes
34 available. The department shall notify the Iowa Code editor
35 and the persons specified in this Act to receive reports when

1 such funding becomes available.

2 3. CHRONIC CONDITIONS

3 For serving individuals identified as having chronic
4 conditions or special health care needs, and for not more than
5 the following full-time equivalent positions:

6	\$ 3,522,313
7	FTEs 4.10

8 a. Of the funds appropriated in this subsection, \$160,582
9 shall be used for grants to individual patients who have
10 phenylketonuria (PKU) to assist with the costs of necessary
11 special foods.

12 b. Of the funds appropriated in this subsection, \$416,682
13 is allocated for continuation of the contracts for resource
14 facilitator services in accordance with section 135.22B,
15 subsection 9, and for brain injury training services and
16 recruiting of service providers to increase the capacity within
17 this state to address the needs of individuals with brain
18 injuries and such individuals' families.

19 c. Of the funds appropriated in this subsection, \$489,868
20 shall be used as additional funding to leverage federal funding
21 through the federal Ryan White Care Act, Tit. II, AIDS drug
22 assistance program supplemental drug treatment grants.

23 d. Of the funds appropriated in this subsection, \$57,013
24 shall be used for the public purpose of providing a grant to an
25 existing national-affiliated organization to provide education,
26 client-centered programs, and client and family support for
27 people living with epilepsy and their families.

28 e. Of the funds appropriated in this subsection, \$788,303
29 shall be used for child health specialty clinics.

30 f. Of the funds appropriated in this subsection, \$408,802
31 shall be used for the comprehensive cancer control program to
32 reduce the burden of cancer in Iowa through prevention, early
33 detection, effective treatment, and ensuring quality of life.

34 g. Of the funds appropriated in this subsection, \$145,550
35 shall be used for cervical and colon cancer screening.

1 h. Of the funds appropriated in this subsection, \$528,834
2 shall be used for the center for congenital and inherited
3 disorders central registry under section 144.13A, subsection
4 4, paragraph "a".

5 i. Of the funds appropriated in this subsection, \$149,612
6 shall be used for the prescription drug donation repository
7 program created in chapter 135M.

8 4. COMMUNITY CAPACITY

9 For strengthening the health care delivery system at the
10 local level, and for not more than the following full-time
11 equivalent positions:

12	\$ 5,503,037
13	FTEs 21.00

14 a. Of the funds appropriated in this subsection, \$63,592
15 is allocated for a child vision screening program implemented
16 through the university of Iowa hospitals and clinics in
17 collaboration with community empowerment areas.

18 b. Of the funds appropriated in this subsection, \$129,741 is
19 allocated for continuation of an initiative implemented at the
20 university of Iowa and \$117,142 is allocated for continuation
21 of an initiative at the state mental health institute at
22 Cherokee to expand and improve the workforce engaged in
23 mental health treatment and services. The initiatives shall
24 receive input from the university of Iowa, the department
25 of human services, the department of public health, and the
26 mental health, mental retardation, developmental disabilities,
27 and brain injury commission to address the focus of the
28 initiatives.

29 c. Of the funds appropriated in this subsection, \$1,264,812
30 shall be used for essential public health services that promote
31 healthy aging throughout the lifespan, contracted through a
32 formula for local boards of health, to enhance health promotion
33 and disease prevention services.

34 d. Of the funds appropriated in this section, \$130,214 shall
35 be deposited in the governmental public health system fund

1 created in section 135A.8 to be used for the purposes of the
2 fund.

3 e. Of the funds appropriated in this subsection, \$143,150
4 shall be used for the mental health professional shortage area
5 program implemented pursuant to section 135.80.

6 f. Of the funds appropriated in this subsection,
7 \$40,900 shall be used for a grant to a statewide association
8 of psychologists that is affiliated with the American
9 psychological association to be used for continuation of a
10 program to rotate intern psychologists in placements in urban
11 and rural mental health professional shortage areas, as defined
12 in section 135.80.

13 g. Of the funds appropriated in this subsection, the
14 following amounts shall be allocated to the Iowa collaborative
15 safety net provider network established pursuant to section
16 135.153 to be used for the purposes designated:

17 (1) For distribution to the Iowa-Nebraska primary
18 care association for statewide coordination of the Iowa
19 collaborative safety net provider network:

20 \$ 73,620

21 (2) For distribution to the Iowa family planning network
22 agencies for necessary infrastructure, statewide coordination,
23 provider recruitment, service delivery, and provision of
24 assistance to patients in determining an appropriate medical
25 home:

26 \$ 74,517

27 (3) For distribution to the local boards of health that
28 provide direct services for pilot programs in three counties to
29 assist patients in determining an appropriate medical home:

30 \$ 74,517

31 (4) For distribution to maternal and child health centers
32 for pilot programs in three counties to assist patients in
33 determining an appropriate medical home:

34 \$ 74,517

35 (5) For distribution to free clinics for necessary

1 infrastructure, statewide coordination, provider recruitment,
2 service delivery, and provision of assistance to patients in
3 determining an appropriate medical home:
4 \$ 184,050

5 (6) For distribution to rural health clinics for necessary
6 infrastructure, statewide coordination, provider recruitment,
7 service delivery, and provision of assistance to patients in
8 determining an appropriate medical home:
9 \$ 110,430

10 (7) For continuation of the safety net provider patient
11 access to specialty health care initiative as described in 2007
12 Iowa Acts, chapter 218, section 109:
13 \$ 294,480

14 (8) For continuation of the pharmaceutical infrastructure
15 for safety net providers as described in 2007 Iowa Acts,
16 chapter 218, section 108:
17 \$ 294,480

18 The Iowa collaborative safety net provider network may
19 continue to distribute funds allocated pursuant to this
20 lettered paragraph through existing contracts or renewal of
21 existing contracts.

22 h. (1) Of the funds appropriated in this subsection,
23 \$180,000 shall be used for continued implementation of
24 the recommendations of the direct care worker task force
25 established pursuant to 2005 Iowa Acts, chapter 88, based upon
26 the report submitted to the governor and the general assembly
27 in December 2006. The department may use a portion of the
28 funds allocated in this paragraph for an additional position to
29 assist in the continued implementation.

30 (2) It is the intent of the general assembly that a
31 board of direct care workers shall be established within the
32 department of public health by July 1, 2014, contingent upon
33 the availability of funds to establish and maintain the board.

34 (3) The direct care worker advisory council shall submit
35 an interim progress report no later than March 1, 2011, and a

1 final report no later than March 1, 2012, to the governor and
2 the general assembly, that includes but is not limited to all
3 of the following:

4 (a) Documenting the size of the direct care workforce. The
5 report shall provide the best estimates of the size of the
6 direct care workforce in Iowa by identifying what workforce
7 data is currently being collected, who is currently collecting
8 the data, the gaps in existing data, and the collection methods
9 necessary to address such gaps.

10 (b) Identifying the information management system required
11 to facilitate credentialing of direct care workers and
12 estimating the costs of development and maintenance of the
13 system.

14 (c) Reporting the results of any pilot relating to and
15 evaluating the recommendations of the advisory council that
16 address direct care worker training and curricula.

17 (d) Describing activities relating to developing and
18 delivering an education and outreach campaign to direct care
19 workers and other stakeholders regarding strategies to increase
20 the professionalism of the direct care workforce. The goals
21 of such education and outreach campaign are to bring greater
22 stability to the workforce and meet the needs of direct care
23 workers that exist due to the growth in Iowa's aging and
24 persons with disabilities populations.

25 (e) Making recommendations regarding the functions
26 and composition of the board of direct care workers, the
27 definitions of and categories for credentialing direct care
28 workers, for deeming the experience level of members of the
29 existing workforce to be the equivalent of other credentials,
30 the form of credentialing to be used, the timeframe for
31 credentialing of direct care workers, and the estimated costs
32 of establishing and maintaining board operations and the
33 methods to be used to fund and sustain such operations.

34 (4) The department of public health shall report to the
35 persons designated in this Act for submission of reports

1 regarding use of the funds allocated in this lettered
2 paragraph, on or before January 15, 2011.

3 i. (1) Of the funds appropriated in this subsection,
4 \$135,000 shall be used for allocation to an independent
5 statewide direct care worker association for education,
6 outreach, leadership development, mentoring, and other
7 initiatives intended to enhance the recruitment and retention
8 of direct care workers in health and long-term care.

9 (2) Of the funds appropriated in this subsection, \$63,000
10 shall be used to provide scholarships or other forms of
11 subsidized direct care worker educational conferences,
12 training, or outreach activities.

13 (3) The association specified in this lettered paragraph
14 shall report to the persons designated in this Act for
15 submission of reports on or before January 1, 2011, the use of
16 the funds allocated in this lettered paragraph, any progress
17 made regarding the initiatives specified and in expanding the
18 association statewide, and the number of scholarships provided,
19 and shall include in the report a copy of the association's
20 internal revenue service form 990.

21 j. The department may utilize one of the full-time
22 equivalent positions authorized in this subsection for
23 administration of the activities related to the Iowa
24 collaborative safety net provider network.

25 k. The department may utilize one of the full-time
26 equivalent positions authorized in this subsection for
27 administration of the volunteer health care provider program
28 pursuant to section 135.24.

29 5. HEALTHY AGING

30 To provide public health services that reduce risks and
31 invest in promoting and protecting good health over the
32 course of a lifetime with a priority given to older Iowans and
33 vulnerable populations:

34 \$ 8,045,779

35 a. Of the funds appropriated in this subsection, \$2,209,696

1 shall be used for local public health nursing services.

2 b. Of the funds appropriated in this subsection, \$5,836,083
3 shall be used for home care aide services.

4 6. ENVIRONMENTAL HAZARDS

5 For reducing the public's exposure to hazards in the
6 environment, primarily chemical hazards, and for not more than
7 the following full-time equivalent positions:

8	\$	900,352
9	FTEs	4.50

10 Of the funds appropriated in this subsection, \$590,380 shall
11 be used for childhood lead poisoning provisions.

12 7. INFECTIOUS DISEASES

13 For reducing the incidence and prevalence of communicable
14 diseases, and for not more than the following full-time
15 equivalent positions:

16	\$	1,475,095
17	FTEs	5.00

18 8. PUBLIC PROTECTION

19 For protecting the health and safety of the public through
20 establishing standards and enforcing regulations, and for not
21 more than the following full-time equivalent positions:

22	\$	3,212,987
23	FTEs	130.00

24 a. Of the funds appropriated in this subsection, not more
25 than \$471,690 shall be credited to the emergency medical
26 services fund created in section 135.25. Moneys in the
27 emergency medical services fund are appropriated to the
28 department to be used for the purposes of the fund.

29 b. Of the funds appropriated in this subsection, \$209,229
30 shall be used for sexual violence prevention programming
31 through a statewide organization representing programs serving
32 victims of sexual violence through the department's sexual
33 violence prevention program. The amount allocated in this
34 lettered paragraph shall not be used to supplant funding
35 administered for other sexual violence prevention or victims

1 assistance programs.

2 c. Of the funds appropriated in this subsection, not more
3 than \$485,520 shall be used for the state poison control
4 center.

5 9. RESOURCE MANAGEMENT

6 For establishing and sustaining the overall ability of the
7 department to deliver services to the public, and for not more
8 than the following full-time equivalent positions:

9	\$	956,265
10	FTEs	10.00

11 The university of Iowa hospitals and clinics under the
12 control of the state board of regents shall not receive
13 indirect costs from the funds appropriated in this section.
14 The university of Iowa hospitals and clinics billings to the
15 department shall be on at least a quarterly basis.

16 DIVISION III

17 DEPARTMENT OF VETERANS AFFAIRS

18 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is
19 appropriated from the general fund of the state to the
20 department of veterans affairs for the fiscal year beginning
21 July 1, 2010, and ending June 30, 2011, the following amounts,
22 or so much thereof as is necessary, to be used for the purposes
23 designated:

24 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

25 For salaries, support, maintenance, and miscellaneous
26 purposes, including the war orphans educational assistance fund
27 created in section 35.8, and for not more than the following
28 full-time equivalent positions:

29	\$	960,453
30	FTEs	15.20

31 2. IOWA VETERANS HOME

32 For salaries, support, maintenance, and miscellaneous
33 purposes:

34	\$	9,630,846
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35 a. The Iowa veterans home billings involving the department

1 of human services shall be submitted to the department on at
2 least a monthly basis.

3 b. If there is a change in the employer of employees
4 providing services at the Iowa veterans home under a collective
5 bargaining agreement, such employees and the agreement shall
6 be continued by the successor employer as though there had not
7 been a change in employer.

8 c. Within available resources and in conformance with
9 associated state and federal program eligibility requirements,
10 the Iowa veterans home may implement measures to provide
11 financial assistance to or on behalf of veterans or their
12 spouses participating in the community reentry program.

13 3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED
14 VETERANS

15 For provision of educational assistance pursuant to section
16 35.9:

17 \$ 12,731

18 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS
19 FUND STANDING APPROPRIATIONS. Notwithstanding the standing
20 appropriation in the following designated section for the
21 fiscal year beginning July 1, 2010, and ending June 30, 2011,
22 the amounts appropriated from the general fund of the state
23 pursuant to that section for the following designated purposes
24 shall not exceed the following amount:

25 For the county commissions of veterans affairs fund under
26 section 35A.16:

27 \$ 900,000

28 Sec. 5. MERCHANT MARINE BONUS FUND — COUNTY GRANTS. There
29 is appropriated from the merchant marine bonus fund created in
30 section 35A.8 to the department of veterans affairs for the
31 fiscal year beginning July 1, 2010, and ending June 30, 2011,
32 the following amount, or so much thereof as is necessary, to be
33 used for the purposes designated:

34 For the county commissions of veterans affairs fund under
35 section 35A.16:

1 \$ 90,000

2 DIVISION IV

3 DEPARTMENT OF HUMAN SERVICES

4 Sec. 6. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK

5 GRANT. There is appropriated from the fund created in section
6 8.41 to the department of human services for the fiscal year
7 beginning July 1, 2010, and ending June 30, 2011, from moneys
8 received under the federal temporary assistance for needy
9 families (TANF) block grant pursuant to the federal Personal
10 Responsibility and Work Opportunity Reconciliation Act of 1996,
11 Pub. L. No. 104-193, and successor legislation, and from moneys
12 received under the emergency contingency fund for temporary
13 assistance for needy families state program established
14 pursuant to the federal American Recovery and Reinvestment Act
15 of 2009, Pub. L. No. 111-5 § 2101, and successor legislation,
16 the following amounts, or so much thereof as is necessary, to
17 be used for the purposes designated:

18 1. To be credited to the family investment program account
19 and used for assistance under the family investment program
20 under chapter 239B:
21 \$ 24,376,341

22 2. To be credited to the family investment program account
23 and used for the job opportunities and basic skills (JOBS)
24 program and implementing family investment agreements in
25 accordance with chapter 239B:
26 \$ 12,411,528

27 Notwithstanding section 8.33, not more than 5 percent of
28 the moneys designated in this subsection that are allocated
29 by the department for contracted services, other than
30 family self-sufficiency grant services allocated under this
31 subsection, that remain unencumbered or unobligated at the
32 close of the fiscal year shall not revert but shall remain
33 available for expenditure for the purposes designated until
34 the close of the succeeding fiscal year. However, unless such
35 moneys are encumbered or obligated on or before September 30,

1 2011, the moneys shall revert.

2 3. To be used for the family development and
3 self-sufficiency grant program in accordance with section
4 216A.107:

5 \$ 2,898,980

6 Notwithstanding section 8.33, moneys appropriated in this
7 subsection that remain unencumbered or unobligated at the close
8 of the fiscal year shall not revert but shall remain available
9 for expenditure for the purposes designated until the close of
10 the succeeding fiscal year. However, unless such moneys are
11 encumbered or obligated on or before September 30, 2011, the
12 moneys shall revert.

13 4. For field operations:

14 \$ 31,296,232

15 5. For general administration:

16 \$ 3,744,000

17 6. For state child care assistance:

18 \$ 16,382,687

19 The funds appropriated in this subsection shall be
20 transferred to the child care and development block grant
21 appropriation made by the Eighty-third General Assembly, 2010
22 Session, for the federal fiscal year beginning October 1,
23 2010, and ending September 30, 2011. Of this amount, \$200,000
24 shall be used for provision of educational opportunities to
25 registered child care home providers in order to improve
26 services and programs offered by this category of providers
27 and to increase the number of providers. The department may
28 contract with institutions of higher education or child care
29 resource and referral centers to provide the educational
30 opportunities. Allowable administrative costs under the
31 contracts shall not exceed 5 percent. The application for a
32 grant shall not exceed two pages in length.

33 7. For mental health and developmental disabilities
34 community services:

35 \$ 4,894,052

1 8. For child and family services:
2 \$ 32,084,430

3 9. For child abuse prevention grants:
4 \$ 125,000

5 10. For pregnancy prevention grants on the condition that
6 family planning services are funded:
7 \$ 1,930,067

8 Pregnancy prevention grants shall be awarded to programs
9 in existence on or before July 1, 2010, if the programs are
10 comprehensive in scope and have demonstrated positive outcomes.
11 Grants shall be awarded to pregnancy prevention programs
12 which are developed after July 1, 2010, if the programs are
13 comprehensive in scope and are based on existing models that
14 have demonstrated positive outcomes. Grants shall comply with
15 the requirements provided in 1997 Iowa Acts, chapter 208,
16 section 14, subsections 1 and 2, including the requirement that
17 grant programs must emphasize sexual abstinence. Priority in
18 the awarding of grants shall be given to programs that serve
19 areas of the state which demonstrate the highest percentage of
20 unplanned pregnancies of females of childbearing age within the
21 geographic area to be served by the grant.

22 11. For technology needs and other resources necessary
23 to meet federal welfare reform reporting, tracking, and case
24 management requirements:
25 \$ 1,037,186

26 12. To be credited to the state child care assistance
27 appropriation made in this section to be used for funding of
28 community-based early childhood programs targeted to children
29 from birth through five years of age developed by community
30 empowerment areas as provided in section 28.9:
31 \$ 6,350,000

32 The department shall transfer TANF block grant funding
33 appropriated and allocated in this subsection to the child care
34 and development block grant appropriation in accordance with
35 federal law as necessary to comply with the provisions of this

1 subsection.

2 13. a. Notwithstanding any provision to the contrary,
3 including but not limited to requirements in section 8.41 or
4 provisions in 2009 or 2010 Iowa Acts regarding the receipt
5 and appropriation of federal block grants, federal funds
6 from the emergency contingency fund for temporary assistance
7 for needy families state program established pursuant to the
8 federal American Recovery and Reinvestment Act of 2009, Pub.
9 L. No. 115-5 § 2101, received by the state during the fiscal
10 year beginning July 1, 2009, and ending June 30, 2010, not
11 otherwise appropriated in this section and remaining available
12 as of July 1, 2010, and received by the state during the fiscal
13 year beginning July 1, 2010, and ending June 30, 2011, are
14 appropriated to the extent as may be necessary to be used
15 in the following priority order: continuation of the grant
16 addressed in paragraph "b", the family investment program for
17 the fiscal year, and for state child care assistance program
18 payments for individuals enrolled in the family investment
19 program who are employed. The federal funds appropriated in
20 this paragraph "a" shall be expended only after all other
21 funds appropriated in subsection 1 for the assistance under
22 the family investment program under chapter 239B have been
23 expended.

24 b. (1) Of the funds appropriated in paragraph "a", \$200,000
25 shall be used for continuation of a grant to an Iowa-based
26 nonprofit organization with a history of providing tax
27 preparation assistance to low-income Iowans in order to expand
28 the usage of the earned income tax credit. The purpose of the
29 grant is to supply this assistance to underserved areas of the
30 state. The grant shall be provided to an organization that
31 has existing national foundation support for supplying such
32 assistance that can also secure local charitable match funding.

33 (2) The general assembly supports efforts by the
34 organization receiving funding under this lettered paragraph to
35 create a statewide earned income tax credit and asset-building

1 coalition to achieve both of the following purposes:

2 (a) Expanding the usage of the tax credit through new
3 and enhanced outreach and marketing strategies, as well as
4 identifying new local sites and human and financial resources.

5 (b) Assessing and recommending various strategies
6 for Iowans to develop assets through savings, individual
7 development accounts, financial literacy, antipredatory lending
8 initiatives, informed home ownership, use of various forms of
9 support for work, and microenterprise business development
10 targeted to persons who are self-employed or have fewer than
11 five employees.

12 c. The department shall, on a quarterly basis, advise the
13 legislative services agency and department of management of
14 the amount of funds appropriated in this subsection that was
15 expended in the prior quarter.

16 d. (1) To the extent other federal funding is not available
17 for summer youth programs administered by the department of
18 workforce development and provided the match requirement is
19 met through the employment programs, in addition to the amount
20 appropriated in paragraph "a", funding is appropriated from the
21 same source and for the same fiscal year addressed in paragraph
22 "a", to the department of human services to be used for summer
23 youth employment programs administered by the department of
24 workforce development for the fiscal year beginning July 1,
25 2010, in accordance with the requirements of this lettered
26 paragraph.

27 (2) The department of human services shall collaborate
28 with the department of workforce development to secure
29 additional federal funds from the emergency contingency fund
30 for the temporary assistance for needy families state program
31 established pursuant to the federal American Recovery and
32 Reinvestment Act of 2009, Pub. L. No. 115-5 § 2101. This
33 collaboration shall be for the express limited purpose of
34 securing emergency contingency funds to subsidize wages
35 paid on behalf of individuals participating in the summer

1 youth employment program administered by the department of
2 workforce development. Subsidized wages shall be eligible for
3 reimbursement under the terms of the federal American Recovery
4 and Reinvestment Act of 2009, Pub. L. No. 115-5 § 2101, or
5 successor legislation, which may extend the availability of
6 emergency contingency funds. The collaboration between the two
7 agencies shall be formalized through a memorandum of agreement.

8 (3) Federal funds received as the result of this
9 collaboration shall be transferred to the department of
10 workforce development for the sole purpose of covering the
11 costs of wages paid on behalf of individuals participating
12 in the summer youth employment program administered by the
13 department of workforce development. The department of
14 workforce development shall ensure that all expenditures
15 comply with applicable federal requirements and shall be
16 responsible for the repayment of any funds spent in error and
17 any corresponding penalty as well as taking corrective action
18 to address the error. Funds received in excess of the amount
19 of subsidized wages eligible for reimbursement under the terms
20 of the federal American Recovery and Reinvestment Act of 2009,
21 Pub. L. No. 115-5 § 2101, or successor legislation, which may
22 extend the availability of emergency contingency funds, shall
23 be returned by the department of workforce development to
24 the federal government following procedures developed by the
25 federal temporary assistance for needy families agency for that
26 purpose.

27 (4) The department of workforce development shall provide
28 the department of human services with the necessary information
29 to support the request for emergency contingency funds and to
30 report the expenditure of these funds once received pursuant to
31 federal reporting requirements. The responsibilities of both
32 agencies shall be specified in the memorandum of agreement.

33 14. Of the amounts appropriated in this section,
34 \$12,962,008 for the fiscal year beginning July 1, 2010, shall
35 be transferred to the appropriation of the federal social

1 services block grant made for that fiscal year.

2 15. The department may transfer funds allocated in this
3 section to the appropriations made in this Act for general
4 administration and field operations for resources necessary to
5 implement and operate the services referred to in this section
6 and those funded in the appropriation made in this division of
7 this Act for the family investment program from the general
8 fund of the state.

9 Sec. 7. FAMILY INVESTMENT PROGRAM ACCOUNT.

10 1. Moneys credited to the family investment program (FIP)
11 account for the fiscal year beginning July 1, 2010, and
12 ending June 30, 2011, shall be used to provide assistance in
13 accordance with chapter 239B.

14 2. The department may use a portion of the moneys credited
15 to the FIP account under this section as necessary for
16 salaries, support, maintenance, and miscellaneous purposes.

17 3. The department may transfer funds allocated in
18 this section to the appropriations in this Act for general
19 administration and field operations for resources necessary to
20 implement and operate the services referred to in this section
21 and those funded in the appropriation made in this division of
22 this Act for the family investment program from the general
23 fund of the state.

24 4. Moneys appropriated in this division of this Act and
25 credited to the FIP account for the fiscal year beginning July
26 1, 2010, and ending June 30, 2011, are allocated as follows:

27 a. To be retained by the department of human services to
28 be used for coordinating with the department of human rights
29 to more effectively serve participants in the FIP program and
30 other shared clients and to meet federal reporting requirements
31 under the federal temporary assistance for needy families block
32 grant:

33 \$ 20,000

34 b. To the department of human rights for staffing,
35 administration, and implementation of the family development

1 and self-sufficiency grant program in accordance with section
2 216A.107:

3 \$ 5,397,251

4 (1) Of the funds allocated for the family development and
5 self-sufficiency grant program in this lettered paragraph,
6 not more than 5 percent of the funds shall be used for the
7 administration of the grant program.

8 (2) The department of human rights may continue to implement
9 the family development and self-sufficiency grant program
10 statewide during fiscal year 2010-2011.

11 c. For the diversion subaccount of the FIP account:

12 \$ 1,698,400

13 A portion of the moneys allocated for the subaccount may
14 be used for field operations salaries, data management system
15 development, and implementation costs and support deemed
16 necessary by the director of human services in order to
17 administer the FIP diversion program.

18 d. For the food stamp employment and training program:

19 \$ 68,059

20 (1) The department shall amend the food stamp employment and
21 training state plan in order to maximize to the fullest extent
22 permitted by federal law the use of the 50-50 match provisions
23 for the claiming of allowable federal matching funds from the
24 United States department of agriculture pursuant to the federal
25 food stamp employment and training program for providing
26 education, employment, and training services for eligible food
27 assistance program participants, including but not limited to
28 related dependent care and transportation expenses.

29 (2) The department shall utilize additional funding
30 available through Pub. L. No. 111-118, § 1001 for related
31 administrative costs as necessary to expand categorical
32 federal food assistance program eligibility provisions to
33 160 percent of the federal poverty level and eliminate the
34 asset test from eligibility requirements, consistent with
35 federal food assistance program requirements. The department

1 shall design the expanded eligibility provisions to include
2 as many food assistance households as is allowed by federal
3 law. The eligibility provisions shall conform to all federal
4 requirements including requirements addressing individuals who
5 are incarcerated or otherwise ineligible.

6 e. For the JOBS program:

7 \$ 20,652,993

8 5. Of the child support collections assigned under FIP,
9 an amount equal to the federal share of support collections
10 shall be credited to the child support recovery appropriation
11 made in this division of this Act. Of the remainder of the
12 assigned child support collections received by the child
13 support recovery unit, a portion shall be credited to the FIP
14 account, a portion may be used to increase recoveries, and a
15 portion may be used to sustain cash flow in the child support
16 payments account. If as a consequence of the appropriations
17 and allocations made in this section the resulting amounts
18 are insufficient to sustain cash assistance payments and meet
19 federal maintenance of effort requirements, the department
20 shall seek supplemental funding. If child support collections
21 assigned under FIP are greater than estimated or are otherwise
22 determined not to be required for maintenance of effort, the
23 state share of either amount may be transferred to or retained
24 in the child support payment account.

25 6. The department may adopt emergency rules for the family
26 investment, JOBS, food stamp, and medical assistance programs
27 if necessary to comply with federal requirements.

28 Sec. 8. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
29 is appropriated from the general fund of the state to the
30 department of human services for the fiscal year beginning July
31 1, 2010, and ending June 30, 2011, the following amount, or
32 so much thereof as is necessary, to be used for the purpose
33 designated:

34 To be credited to the family investment program (FIP)
35 account and used for family investment program assistance under

1 chapter 239B:

2 \$ 31,735,539

3 1. Of the funds appropriated in this section, \$8,241,465 is
4 allocated for the JOBS program.

5 2. Of the funds appropriated in this section, \$2,518,271 is
6 allocated for the family development and self-sufficiency grant
7 program.

8 3. Notwithstanding section 8.39, for the fiscal year
9 beginning July 1, 2010, if necessary to meet federal
10 maintenance of effort requirements or to transfer federal
11 temporary assistance for needy families block grant funding
12 to be used for purposes of the federal social services block
13 grant or to meet cash flow needs resulting from delays in
14 receiving federal funding or to implement, in accordance with
15 this division of this Act, activities currently funded with
16 juvenile court services, county, or community moneys and state
17 moneys used in combination with such moneys, the department
18 of human services may transfer funds within or between any
19 of the appropriations made in this division of this Act and
20 appropriations in law for the federal social services block
21 grant to the department for the following purposes, provided
22 that the combined amount of state and federal temporary
23 assistance for needy families block grant funding for each
24 appropriation remains the same before and after the transfer:

- 25 a. For the family investment program.
- 26 b. For child care assistance.
- 27 c. For child and family services.
- 28 d. For field operations.
- 29 e. For general administration.
- 30 f. MH/MR/DD/BI community services (local purchase).

31 This subsection shall not be construed to prohibit the use
32 of existing state transfer authority for other purposes. The
33 department shall report any transfers made pursuant to this
34 subsection to the legislative services agency.

35 Sec. 9. CHILD SUPPORT RECOVERY. There is appropriated

1 from the general fund of the state to the department of human
2 services for the fiscal year beginning July 1, 2010, and ending
3 June 30, 2011, the following amount, or so much thereof as is
4 necessary, to be used for the purposes designated:

5 For child support recovery, including salaries, support,
6 maintenance, and miscellaneous purposes, and for not more than
7 the following full-time equivalent positions:

8	\$ 11,877,414
9	FTEs 520.00

10 1. The department shall expend up to \$24,329, including
11 federal financial participation, for the fiscal year beginning
12 July 1, 2010, for a child support public awareness campaign.
13 The department and the office of the attorney general shall
14 cooperate in continuation of the campaign. The public
15 awareness campaign shall emphasize, through a variety of
16 media activities, the importance of maximum involvement of
17 both parents in the lives of their children as well as the
18 importance of payment of child support obligations.

19 2. Federal access and visitation grant moneys shall be
20 issued directly to private not-for-profit agencies that provide
21 services designed to increase compliance with the child access
22 provisions of court orders, including but not limited to
23 neutral visitation sites and mediation services.

24 3. The appropriation made to the department for child
25 support recovery may be used throughout the fiscal year in the
26 manner necessary for purposes of cash flow management, and for
27 cash flow management purposes the department may temporarily
28 draw more than the amount appropriated, provided the amount
29 appropriated is not exceeded at the close of the fiscal year.

30 4. With the exception of the funding amount specified,
31 the requirements established under 2001 Iowa Acts, chapter
32 191, section 3, subsection 5, paragraph "c", subparagraph (3),
33 shall be applicable to parental obligation pilot projects for
34 the fiscal year beginning July 1, 2010, and ending June 30,
35 2011. Notwithstanding 441 IAC 100.8, as in effect on June 30,

1 2009, providing for termination of rules relating to the pilot
2 projects the earlier of October 1, 2006, or when legislative
3 authority is discontinued, the rules relating to the pilot
4 projects, as in effect on June 30, 2009, shall remain in effect
5 until June 30, 2011.

6 Sec. 10. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE. Any
7 funds remaining in the health care trust fund created in
8 section 453A.35A for the fiscal year beginning July 1, 2010,
9 and ending June 30, 2011, are appropriated to the department
10 of human services to supplement the medical assistance program
11 appropriations made in this Act, for medical assistance
12 reimbursement and associated costs, including program
13 administration and costs associated with implementation.

14 Sec. 11. MEDICAL ASSISTANCE. There is appropriated from the
15 general fund of the state to the department of human services
16 for the fiscal year beginning July 1, 2010, and ending June 30,
17 2011, the following amount, or so much thereof as is necessary,
18 to be used for the purpose designated:

19 For medical assistance reimbursement and associated costs
20 as specifically provided in the reimbursement methodologies
21 in effect on June 30, 2010, except as otherwise expressly
22 authorized by law, including reimbursement for abortion
23 services which shall be available under the medical assistance
24 program only for those abortions which are medically necessary:
25 \$418,921,344

26 1. Medically necessary abortions are those performed under
27 any of the following conditions:

28 a. The attending physician certifies that continuing the
29 pregnancy would endanger the life of the pregnant woman.

30 b. The attending physician certifies that the fetus is
31 physically deformed, mentally deficient, or afflicted with a
32 congenital illness.

33 c. The pregnancy is the result of a rape which is reported
34 within 45 days of the incident to a law enforcement agency or
35 public or private health agency which may include a family

1 physician.

2 d. The pregnancy is the result of incest which is reported
3 within 150 days of the incident to a law enforcement agency
4 or public or private health agency which may include a family
5 physician.

6 e. Any spontaneous abortion, commonly known as a
7 miscarriage, if not all of the products of conception are
8 expelled.

9 2. The department shall utilize not more than \$60,000 of
10 the funds appropriated in this section to continue the AIDS/HIV
11 health insurance premium payment program as established in 1992
12 Iowa Acts, Second Extraordinary Session, chapter 1001, section
13 409, subsection 6. Of the funds allocated in this subsection,
14 not more than \$5,000 may be expended for administrative
15 purposes.

16 3. Of the funds appropriated in this Act to the department
17 of public health for addictive disorders, \$950,000 for the
18 fiscal year beginning July 1, 2010, shall be transferred to
19 the department of human services for an integrated substance
20 abuse managed care system. The department shall not assume
21 management of the substance abuse system in place of the
22 managed care contractor unless such a change in approach is
23 specifically authorized in law. The departments of human
24 services and public health shall work together to maintain
25 the level of mental health and substance abuse services
26 provided by the managed care contractor through the Iowa plan
27 for behavioral health. Each department shall take the steps
28 necessary to continue the federal waivers as necessary to
29 maintain the level of services.

30 4. a. The department shall aggressively pursue options for
31 providing medical assistance or other assistance to individuals
32 with special needs who become ineligible to continue receiving
33 services under the early and periodic screening, diagnosis, and
34 treatment program under the medical assistance program due to
35 becoming 21 years of age who have been approved for additional

1 assistance through the department's exception to policy
2 provisions, but who have health care needs in excess of the
3 funding available through the exception to policy provisions.

4 b. Of the funds appropriated in this section, \$100,000
5 shall be used for participation in one or more pilot projects
6 operated by a private provider to allow the individual or
7 individuals to receive service in the community in accordance
8 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
9 (1999), for the purpose of providing medical assistance or
10 other assistance to individuals with special needs who become
11 ineligible to continue receiving services under the early and
12 periodic screening, diagnosis, and treatment program under
13 the medical assistance program due to becoming 21 years of
14 age who have been approved for additional assistance through
15 the department's exception to policy provisions, but who have
16 health care needs in excess of the funding available through
17 the exception to the policy provisions.

18 5. Of the funds appropriated in this section, up to
19 \$3,050,082 may be transferred to the field operations
20 or general administration appropriations in this Act for
21 operational costs associated with Part D of the federal
22 Medicare Prescription Drug Improvement and Modernization Act
23 of 2003, Pub. L. No. 108-173.

24 6. Of the funds appropriated in this section, not more
25 than \$166,600 shall be used to enhance outreach efforts. The
26 department may transfer funds allocated in this subsection to
27 the appropriations in this division of this Act for general
28 administration, the children's health insurance program, or
29 medical contracts, as necessary, to implement the outreach
30 efforts.

31 7. Of the funds appropriated in this section, up to \$442,100
32 may be transferred to the appropriation in this Act for medical
33 contracts to be used for clinical assessment services related
34 to remedial services in accordance with federal law.

35 8. A portion of the funds appropriated in this section

1 may be transferred to the appropriations in this division of
2 this Act for general administration, medical contracts, the
3 children's health insurance program, or field operations to be
4 used for the state match cost to comply with the payment error
5 rate measurement (PERM) program for both the medical assistance
6 and children's health insurance programs as developed by the
7 centers for Medicare and Medicaid services of the United States
8 department of health and human services to comply with the
9 federal Improper Payments Information Act of 2002, Pub. L. No.
10 107-300.

11 9. It is the intent of the general assembly that the
12 department continue to implement the recommendations of
13 the assuring better child health and development initiative
14 II (ABCDII) clinical panel to the Iowa early and periodic
15 screening, diagnostic, and treatment services healthy mental
16 development collaborative board regarding changes to billing
17 procedures, codes, and eligible service providers.

18 10. Of the funds appropriated in this section, a sufficient
19 amount is allocated to supplement the incomes of residents of
20 nursing facilities, intermediate care facilities for persons
21 with mental illness, and intermediate care facilities for
22 persons with mental retardation, with incomes of less than \$50
23 in the amount necessary for the residents to receive a personal
24 needs allowance of \$50 per month pursuant to section 249A.30A.

25 11. Of the funds appropriated in this section, the following
26 amounts shall be transferred to the appropriations made in this
27 division of this Act for the state mental health institutes:

- 28 a. Cherokee mental health institute \$ 9,098,425
- 29 b. Clarinda mental health institute \$ 1,977,305
- 30 c. Independence mental health institute \$ 9,045,894
- 31 d. Mount Pleasant mental health institute \$ 5,752,587

32 12. a. Of the funds appropriated in this section,
33 \$7,108,069 is allocated for the state match for a
34 disproportionate share hospital payment of \$19,133,430 to
35 hospitals that meet both of the conditions specified in

1 subparagraphs (1) and (2). In addition, the hospitals that
2 meet the conditions specified shall either certify public
3 expenditures or transfer to the medical assistance program
4 an amount equal to provide the nonfederal share for a
5 disproportionate share hospital payment of \$7,500,000. The
6 hospitals that meet the conditions specified shall receive and
7 retain 100 percent of the total disproportionate share hospital
8 payment of \$26,633,430.

9 (1) The hospital qualifies for disproportionate share and
10 graduate medical education payments.

11 (2) The hospital is an Iowa state-owned hospital with more
12 than 500 beds and eight or more distinct residency specialty
13 or subspecialty programs recognized by the American college of
14 graduate medical education.

15 b. Distribution of the disproportionate share payments
16 shall be made on a monthly basis. The total amount of
17 disproportionate share payments including graduate medical
18 education, enhanced disproportionate share, and Iowa
19 state-owned teaching hospital payments shall not exceed the
20 amount of the state's allotment under Pub. L. No. 102-234.
21 In addition, the total amount of all disproportionate
22 share payments shall not exceed the hospital-specific
23 disproportionate share limits under Pub. L. No. 103-66.

24 13. The university of Iowa hospitals and clinics shall
25 either certify public expenditures or transfer to the medical
26 assistance appropriation an amount equal to provide the
27 nonfederal share for increased medical assistance payments for
28 inpatient hospital services of \$7,500,000. The university of
29 Iowa hospitals and clinics shall receive and retain 100 percent
30 of the total increase in medical assistance payments.

31 14. Of the funds appropriated in this section, up to
32 \$4,601,848 may be transferred to the IowaCare account created
33 in section 249J.24.

34 15. Of the funds appropriated in this section, \$200,000
35 shall be used for the Iowa chronic care consortium pursuant to

1 2003 Iowa Acts, chapter 112, section 12, as amended by 2003
2 Iowa Acts, chapter 179, sections 166 and 167.

3 16. One hundred percent of the nonfederal share of payments
4 to area education agencies that are medical assistance
5 providers for medical assistance-covered services provided to
6 medical assistance-covered children, shall be made from the
7 appropriation made in this section.

8 17. Any new or renewed contract entered into by the
9 department with a third party to administer behavioral health
10 services under the medical assistance program shall provide
11 that any interest earned on payments from the state during
12 the state fiscal year shall be remitted to the department
13 and treated as recoveries to offset the costs of the medical
14 assistance program.

15 18. The department shall continue to implement the
16 provisions in 2007 Iowa Acts, chapter 218, section 124 and
17 section 126, as amended by 2008 Iowa Acts, chapter 1188,
18 section 55, relating to eligibility for certain persons with
19 disabilities under the medical assistance program in accordance
20 with the federal family opportunity Act.

21 19. A portion of the funds appropriated in this section
22 may be transferred to the appropriation in this division of
23 this Act for medical contracts to be used for administrative
24 activities associated with the money follows the person
25 demonstration project.

26 20. Notwithstanding section 8.33, the portion of the
27 funds appropriated in this section that is the result of the
28 application of the increased federal medical assistance match
29 percentage under the federal American Recovery and Reinvestment
30 Act of 2009, to the amount the state pays the federal
31 government as required under the federal Medicare Prescription
32 Drug Improvement and Modernization Act of 2003, known as
33 clawback payments, for the period October 1, 2008, through
34 December 31, 2010, that remains unobligated or unencumbered at
35 the close of the fiscal year, shall not revert to any fund but

1 shall remain available for expenditure for the purposes of the
2 medical assistance program until the close of the succeeding
3 fiscal year.

4 21. The department may transfer any savings generated
5 due to medical assistance program cost containment efforts
6 initiated pursuant to 2010 Iowa Acts, Senate File 2088, if
7 enacted, or executive order 20, issued December 16, 2009, to
8 the medical contracts appropriation made in this division of
9 this Act to defray the increased contract costs associated with
10 implementing such efforts.

11 22. The department shall request a waiver from the centers
12 for Medicare and Medicaid services of the United States
13 department of health and human services to add assisted living
14 services to the home and community-based services waiver
15 for the elderly under the medical assistance program. Upon
16 receipt of federal approval of the waiver, the department shall
17 implement assisted living as a service within the home and
18 community-based services elderly waiver. The department shall
19 adopt rules to implement the approved elderly waiver assisted
20 living service.

21 23. The department of human services shall convene a
22 workgroup with the department of inspections and appeals,
23 county central point of coordination administrators, affected
24 service providers, and other appropriate interests in reviewing
25 the various regulatory requirements applicable to providers of
26 mental health and disability services paid under this and other
27 appropriations. The review shall encompass federal, state,
28 and professional requirements applicable to the providers.
29 The workgroup shall identify opportunities for streamlining
30 regulatory requirements, increasing public access to cost,
31 quality, and outcomes information within the system, and
32 increasing compliance with applicable federal health, safety,
33 and accountability provisions. The workgroup shall hold two
34 meetings and submit a report on or before December 15, 2010, to
35 the persons designated by this Act for submission of reports.

1 Sec. 12. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
2 is appropriated from the general fund of the state to the
3 department of human services for the fiscal year beginning July
4 1, 2010, and ending June 30, 2011, the following amount, or
5 so much thereof as is necessary, to be used for the purpose
6 designated:

7 For administration of the health insurance premium payment
8 program, including salaries, support, maintenance, and
9 miscellaneous purposes, and for not more than the following
10 full-time equivalent positions:

11 \$ 457,210
12 FTEs 19.00

13 Sec. 13. MEDICAL CONTRACTS. There is appropriated from the
14 general fund of the state to the department of human services
15 for the fiscal year beginning July 1, 2010, and ending June 30,
16 2011, the following amount, or so much thereof as is necessary,
17 to be used for the purpose designated:

18 For medical contracts, including salaries, support,
19 maintenance, and miscellaneous purposes, and for not more than
20 the following full-time equivalent positions:

21 \$ 9,683,668
22 FTEs 6.00

23 The department of inspections and appeals shall provide all
24 state matching funds for survey and certification activities
25 performed by the department of inspections and appeals.
26 The department of human services is solely responsible for
27 distributing the federal matching funds for such activities.

28 Sec. 14. STATE SUPPLEMENTARY ASSISTANCE.

29 1. There is appropriated from the general fund of the
30 state to the department of human services for the fiscal year
31 beginning July 1, 2010, and ending June 30, 2011, the following
32 amount, or so much thereof as is necessary, to be used for the
33 purpose designated:

34 For the state supplementary assistance program:
35 \$ 18,259,235

1 2. The department shall increase the personal needs
2 allowance for residents of residential care facilities by the
3 same percentage and at the same time as federal supplemental
4 security income and federal social security benefits are
5 increased due to a recognized increase in the cost of living.
6 The department may adopt emergency rules to implement this
7 subsection.

8 3. If during the fiscal year beginning July 1, 2010,
9 the department projects that state supplementary assistance
10 expenditures for a calendar year will not meet the federal
11 pass-through requirement specified in Tit. XVI of the federal
12 Social Security Act, section 1618, as codified in 42 U.S.C.
13 § 1382g, the department may take actions including but not
14 limited to increasing the personal needs allowance for
15 residential care facility residents and making programmatic
16 adjustments or upward adjustments of the residential care
17 facility or in-home health-related care reimbursement rates
18 prescribed in this division of this Act to ensure that federal
19 requirements are met. In addition, the department may make
20 other programmatic and rate adjustments necessary to remain
21 within the amount appropriated in this section while ensuring
22 compliance with federal requirements. The department may adopt
23 emergency rules to implement the provisions of this subsection.

24 Sec. 15. CHILDREN'S HEALTH INSURANCE PROGRAM.

25 1. There is appropriated from the general fund of the
26 state to the department of human services for the fiscal year
27 beginning July 1, 2010, and ending June 30, 2011, the following
28 amount, or so much thereof as is necessary, to be used for the
29 purpose designated:

30 For maintenance of the healthy and well kids in Iowa (hawk-i)
31 program pursuant to chapter 514I, including supplemental dental
32 services, for receipt of federal financial participation under
33 Tit. XXI of the federal Social Security Act, which creates the
34 children's health insurance program:

35 \$ 23,637,040

1 2. Of the funds appropriated in this section, \$128,950 is
2 allocated for continuation of the contract for advertising and
3 outreach with the department of public health and \$90,050 is
4 allocated for other advertising and outreach.

5 3. If the funds appropriated in this section are
6 insufficient to cover the costs of both full coverage services
7 and supplemental dental services, priority in expenditure of
8 funds shall be given to covering the costs of full coverage
9 services.

10 Sec. 16. CHILD CARE ASSISTANCE. There is appropriated
11 from the general fund of the state to the department of human
12 services for the fiscal year beginning July 1, 2010, and ending
13 June 30, 2011, the following amount, or so much thereof as is
14 necessary, to be used for the purpose designated:

15 For child care programs:

16 \$ 32,325,964

17 1. Of the funds appropriated in this section, \$30,956,537
18 shall be used for state child care assistance in accordance
19 with section 237A.13. It is the intent of the general assembly
20 to appropriate sufficient funding for the state child care
21 assistance program for the fiscal year beginning July 1, 2010,
22 in order to avoid establishment of waiting list requirements
23 by the department in the preceding fiscal year in anticipation
24 that enhanced funding under the federal American Recovery and
25 Reinvestment Act of 2009 will not be replaced for the fiscal
26 year beginning July 1, 2010.

27 2. Nothing in this section shall be construed or is
28 intended as or shall imply a grant of entitlement for services
29 to persons who are eligible for assistance due to an income
30 level consistent with the waiting list requirements of section
31 237A.13. Any state obligation to provide services pursuant to
32 this section is limited to the extent of the funds appropriated
33 in this section.

34 3. Of the funds appropriated in this section, \$432,453 is
35 allocated for the statewide program for child care resource

1 and referral services under section 237A.26. A list of the
2 registered and licensed child care facilities operating in the
3 area served by a child care resource and referral service shall
4 be made available to the families receiving state child care
5 assistance in that area.

6 4. Of the funds appropriated in this section, \$936,974
7 is allocated for child care quality improvement initiatives
8 including but not limited to the voluntary quality rating
9 system in accordance with section 237A.30.

10 5. The department may use any of the funds appropriated
11 in this section as a match to obtain federal funds for use in
12 expanding child care assistance and related programs. For
13 the purpose of expenditures of state and federal child care
14 funding, funds shall be considered obligated at the time
15 expenditures are projected or are allocated to the department's
16 service areas. Projections shall be based on current and
17 projected caseload growth, current and projected provider
18 rates, staffing requirements for eligibility determination
19 and management of program requirements including data systems
20 management, staffing requirements for administration of the
21 program, contractual and grant obligations and any transfers
22 to other state agencies, and obligations for decategorization
23 or innovation projects.

24 6. A portion of the state match for the federal child care
25 and development block grant shall be provided as necessary to
26 meet federal matching funds requirements through the state
27 general fund appropriation made for child development grants
28 and other programs for at-risk children in section 279.51.

29 7. If a uniform reduction ordered by the governor under
30 section 8.31 or other operation of law, transfer, or federal
31 funding reduction reduces the appropriation made in this
32 section for the fiscal year, the percentage reduction in the
33 amount paid out to or on behalf of the families participating
34 in the state child care assistance program shall be equal to or
35 less than the percentage reduction made for any other purpose

1 payable from the appropriation made in this section and the
2 federal funding relating to it. If there is an unanticipated
3 increase in federal funding provided for state child care
4 assistance, the entire amount of the increase shall be used for
5 state child care assistance payments. If the appropriations
6 made for purposes of the state child care assistance program
7 for the fiscal year are determined to be insufficient, it is
8 the intent of the general assembly to appropriate sufficient
9 funding for the fiscal year in order to avoid establishment of
10 waiting list requirements.

11 8. Notwithstanding section 8.33, moneys appropriated in
12 this section or received from the federal appropriations made
13 for the purposes of this section that remain unencumbered or
14 unobligated at the close of the fiscal year shall not revert
15 to any fund but shall remain available for expenditure for the
16 purposes designated until the close of the succeeding fiscal
17 year.

18 Sec. 17. JUVENILE INSTITUTIONS. There is appropriated
19 from the general fund of the state to the department of human
20 services for the fiscal year beginning July 1, 2010, and ending
21 June 30, 2011, the following amounts, or so much thereof as is
22 necessary, to be used for the purposes designated:

23 1. For operation of the Iowa juvenile home at Toledo and for
24 salaries, support, maintenance, and miscellaneous purposes, and
25 for not more than the following full-time equivalent positions:
26 \$ 6,977,599
27 FTEs 125.00

28 2. For operation of the state training school at Eldora and
29 for salaries, support, maintenance, and miscellaneous purposes,
30 and for not more than the following full-time equivalent
31 positions:
32 \$ 10,851,062
33 FTEs 202.70

34 3. A portion of the moneys appropriated in this section
35 shall be used by the state training school and by the Iowa

1 juvenile home for grants for adolescent pregnancy prevention
2 activities at the institutions in the fiscal year beginning
3 July 1, 2010.

4 Sec. 18. EDUCATIONAL EXPENSES AT INSTITUTIONS. There
5 is appropriated from the general fund of the state to the
6 department of human services for the fiscal year beginning July
7 1, 2010, and ending June 30, 2011, the following amount, or
8 so much thereof as is necessary, to be used for the purposes
9 designated:

10 For distribution to licensed classroom teachers at
11 institutions under the control of the department of human
12 services based upon the average student yearly enrollment at
13 each institution as determined by the department of human
14 services:

15 \$ 103,950

16 Sec. 19. CHILD AND FAMILY SERVICES.

17 1. There is appropriated from the general fund of the
18 state to the department of human services for the fiscal year
19 beginning July 1, 2010, and ending June 30, 2011, the following
20 amount, or so much thereof as is necessary, to be used for the
21 purpose designated:

22 For child and family services:

23 \$ 79,593,023

24 2. In order to address a reduction of \$5,200,000 from the
25 amount allocated under the appropriation made for the purposes
26 of this section in prior years for purposes of juvenile
27 delinquent graduated sanction services, up to \$5,200,000 of the
28 amount of federal temporary assistance for needy families block
29 grant funding appropriated in this division of this Act for
30 child and family services shall be made available for purposes
31 of juvenile delinquent graduated sanction services.

32 3. The department may transfer funds appropriated in this
33 section as necessary to pay the nonfederal costs of services
34 reimbursed under the medical assistance program, state child
35 care assistance program, or the family investment program which

1 are provided to children who would otherwise receive services
2 paid under the appropriation in this section. The department
3 may transfer funds appropriated in this section to the
4 appropriations made in this division of this Act for general
5 administration and for field operations for resources necessary
6 to implement and operate the services funded in this section.

7 4. a. Of the funds appropriated in this section, up to
8 \$29,233,006 is allocated as the statewide expenditure target
9 under section 232.143 for group foster care maintenance and
10 services. If the department projects that such expenditures
11 for the fiscal year will be less than the target amount
12 allocated in this lettered paragraph, the department may
13 reallocate the excess to provide additional funding for shelter
14 care or the child welfare emergency services addressed with the
15 allocation for shelter care.

16 b. If at any time after September 30, 2010, annualization
17 of a service area's current expenditures indicates a service
18 area is at risk of exceeding its group foster care expenditure
19 target under section 232.143 by more than 5 percent, the
20 department and juvenile court services shall examine all
21 group foster care placements in that service area in order to
22 identify those which might be appropriate for termination.
23 In addition, any aftercare services believed to be needed
24 for the children whose placements may be terminated shall be
25 identified. The department and juvenile court services shall
26 initiate action to set dispositional review hearings for the
27 placements identified. In such a dispositional review hearing,
28 the juvenile court shall determine whether needed aftercare
29 services are available and whether termination of the placement
30 is in the best interest of the child and the community.

31 5. In accordance with the provisions of section 232.188,
32 the department shall continue the child welfare and juvenile
33 justice funding initiative during fiscal year 2010-2011. Of
34 the funds appropriated in this section, \$1,717,753 is allocated
35 specifically for expenditure for fiscal year 2010-2011 through

1 the decategorization service funding pools and governance
2 boards established pursuant to section 232.188.

3 6. A portion of the funds appropriated in this section
4 may be used for emergency family assistance to provide other
5 resources required for a family participating in a family
6 preservation or reunification project or successor project to
7 stay together or to be reunified.

8 7. a. Notwithstanding section 234.35 or any other provision
9 of law to the contrary, state funding for shelter care shall be
10 limited to \$7,894,147. The department may continue or amend
11 shelter care provider contracts to include the child welfare
12 emergency services for children that were implemented pursuant
13 to 2008 Iowa Acts, chapter 1187, section 16, subsection 7.

14 b. The child welfare advisory committee created by the
15 council on human services pursuant to section 217.3A, if
16 enacted by 2010 Iowa Acts, Senate File 2088, section 391, or
17 other appropriate existing body, shall develop recommendations
18 to identify the appropriate capacity for child welfare
19 emergency services for implementation during the fiscal year
20 beginning July 1, 2011. The data being collected regarding
21 child welfare emergency services shall be utilized in
22 developing the recommendations. The recommendations shall be
23 submitted on or before December 15, 2010, to the department and
24 the persons designated by this Act to receive reports.

25 8. Except for federal funds provided by the federal American
26 Recovery and Reinvestment Act of 2009, federal funds received
27 by the state during the fiscal year beginning July 1, 2010,
28 as the result of the expenditure of state funds appropriated
29 during a previous state fiscal year for a service or activity
30 funded under this section are appropriated to the department
31 to be used as additional funding for services and purposes
32 provided for under this section. Notwithstanding section 8.33,
33 moneys received in accordance with this subsection that remain
34 unencumbered or unobligated at the close of the fiscal year
35 shall not revert to any fund but shall remain available for the

1 purposes designated until the close of the succeeding fiscal
2 year.

3 9. Of the funds appropriated in this section, at least
4 \$3,696,285 shall be used for protective child care assistance.

5 10. a. Of the funds appropriated in this section, up to
6 \$2,062,488 is allocated for the payment of the expenses of
7 court-ordered services provided to juveniles who are under the
8 supervision of juvenile court services, which expenses are a
9 charge upon the state pursuant to section 232.141, subsection
10 4. Of the amount allocated in this lettered paragraph, up to
11 \$1,556,287 shall be made available to provide school-based
12 supervision of children adjudicated under chapter 232, of which
13 not more than \$15,000 may be used for the purpose of training.
14 A portion of the cost of each school-based liaison officer
15 shall be paid by the school district or other funding source as
16 approved by the chief juvenile court officer.

17 b. Of the funds appropriated in this section, up to \$748,985
18 is allocated for the payment of the expenses of court-ordered
19 services provided to children who are under the supervision
20 of the department, which expenses are a charge upon the state
21 pursuant to section 232.141, subsection 4.

22 c. Notwithstanding section 232.141 or any other provision
23 of law to the contrary, the amounts allocated in this
24 subsection shall be distributed to the judicial districts
25 as determined by the state court administrator and to the
26 department's service areas as determined by the administrator
27 of the department's division of child and family services. The
28 state court administrator and the division administrator shall
29 make the determination of the distribution amounts on or before
30 June 15, 2010.

31 d. Notwithstanding chapter 232 or any other provision of
32 law to the contrary, a district or juvenile court shall not
33 order any service which is a charge upon the state pursuant
34 to section 232.141 if there are insufficient court-ordered
35 services funds available in the district court or departmental

1 service area distribution amounts to pay for the service. The
2 chief juvenile court officer and the departmental service area
3 manager shall encourage use of the funds allocated in this
4 subsection such that there are sufficient funds to pay for
5 all court-related services during the entire year. The chief
6 juvenile court officers and departmental service area managers
7 shall attempt to anticipate potential surpluses and shortfalls
8 in the distribution amounts and shall cooperatively request the
9 state court administrator or division administrator to transfer
10 funds between the judicial districts' or departmental service
11 areas' distribution amounts as prudent.

12 e. Notwithstanding any provision of law to the contrary,
13 a district or juvenile court shall not order a county to pay
14 for any service provided to a juvenile pursuant to an order
15 entered under chapter 232 which is a charge upon the state
16 under section 232.141, subsection 4.

17 f. Of the funds allocated in this subsection, not more than
18 \$83,000 may be used by the judicial branch for administration
19 of the requirements under this subsection.

20 g. Of the funds allocated in this subsection, \$17,000
21 shall be used by the department of human services to support
22 the interstate commission for juveniles in accordance with
23 the interstate compact for juveniles as provided in section
24 232.173, as enacted by this Act.

25 11. Of the funds appropriated in this section, \$4,522,602 is
26 allocated for juvenile delinquent graduated sanctions services.
27 Any state funds saved as a result of efforts by juvenile court
28 services to earn federal Tit. IV-E match for juvenile court
29 services administration may be used for the juvenile delinquent
30 graduated sanctions services.

31 12. Of the funds appropriated in this section, \$988,285
32 shall be transferred to the department of public health to
33 be used for the child protection center grant program in
34 accordance with section 135.118.

35 13. If the department receives federal approval to

1 implement a waiver under Tit. IV-E of the federal Social
2 Security Act to enable providers to serve children who remain
3 in the children's families and communities, for purposes of
4 eligibility under the medical assistance program, children who
5 participate in the waiver shall be considered to be placed in
6 foster care.

7 14. Of the funds appropriated in this section, \$2,875,281 is
8 allocated for the preparation for adult living program pursuant
9 to section 234.46.

10 15. Of the funds appropriated in this section, \$520,150
11 shall be used for juvenile drug courts. The amount allocated
12 in this subsection shall be distributed as follows:

13 To the judicial branch for salaries to assist with the
14 operation of juvenile drug court programs operated in the
15 following jurisdictions:

- 16 a. Marshall county:
- 17 \$ 62,708
- 18 b. Woodbury county:
- 19 \$ 125,682
- 20 c. Polk county:
- 21 \$ 195,892
- 22 d. The third judicial district:
- 23 \$ 67,934
- 24 e. The eighth judicial district:
- 25 \$ 67,934

26 16. Of the funds appropriated in this section, \$227,306
27 shall be used for the public purpose of providing a grant to
28 a nonprofit human services organization providing services to
29 individuals and families in multiple locations in southwest
30 Iowa and Nebraska for support of a project providing immediate,
31 sensitive support and forensic interviews, medical exams, needs
32 assessments, and referrals for victims of child abuse and their
33 nonoffending family members.

34 17. Of the funds appropriated in this section, \$125,590
35 is allocated for the elevate approach of providing a support

1 network to children placed in foster care.

2 18. Of the funds appropriated in this section, \$202,000 is
3 allocated for use pursuant to section 235A.1 for continuation
4 of the initiative to address child sexual abuse implemented
5 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection
6 21.

7 19. Of the funds appropriated in this section, \$630,240 is
8 allocated for the community partnership for child protection
9 sites.

10 20. Of the funds appropriated in this section, \$371,250
11 is allocated for the department's minority youth and family
12 projects under the redesign of the child welfare system.

13 21. Of the funds appropriated in this section, \$925,306
14 is allocated for funding of the state match for the federal
15 substance abuse and mental health services administration
16 (SAMHSA) system of care grant.

17 Sec. 20. ADOPTION SUBSIDY.

18 1. There is appropriated from the general fund of the
19 state to the department of human services for the fiscal year
20 beginning July 1, 2010, and ending June 30, 2011, the following
21 amount, or so much thereof as is necessary, to be used for the
22 purpose designated:

23 For adoption subsidy payments and services:
24 \$ 31,856,896

25 2. The department may transfer funds appropriated in this
26 section to the appropriation made in this Act for general
27 administration for costs paid from the appropriation relating
28 to adoption subsidy.

29 3. Except for federal funds provided by the federal American
30 Recovery and Reinvestment Act of 2009, federal funds received
31 by the state during the fiscal year beginning July 1, 2010, as
32 the result of the expenditure of state funds during a previous
33 state fiscal year for a service or activity funded under this
34 section are appropriated to the department to be used as
35 additional funding for the services and activities funded under

1 this section. Notwithstanding section 8.33, moneys received
2 in accordance with this subsection that remain unencumbered or
3 unobligated at the close of the fiscal year shall not revert
4 to any fund but shall remain available for expenditure for the
5 purposes designated until the close of the succeeding fiscal
6 year.

7 Sec. 21. JUVENILE DETENTION HOME FUND. Moneys deposited
8 in the juvenile detention home fund created in section 232.142
9 during the fiscal year beginning July 1, 2010, and ending June
10 30, 2011, are appropriated to the department of human services
11 for the fiscal year beginning July 1, 2010, and ending June 30,
12 2011, for distribution of an amount equal to a percentage of
13 the costs of the establishment, improvement, operation, and
14 maintenance of county or multicounty juvenile detention homes
15 in the fiscal year beginning July 1, 2009. Moneys appropriated
16 for distribution in accordance with this section shall be
17 allocated among eligible detention homes, prorated on the basis
18 of an eligible detention home's proportion of the costs of all
19 eligible detention homes in the fiscal year beginning July
20 1, 2009. The percentage figure shall be determined by the
21 department based on the amount available for distribution for
22 the fund. Notwithstanding section 232.142, subsection 3, the
23 financial aid payable by the state under that provision for the
24 fiscal year beginning July 1, 2010, shall be limited to the
25 amount appropriated for the purposes of this section.

26 Sec. 22. FAMILY SUPPORT SUBSIDY PROGRAM.

27 1. There is appropriated from the general fund of the
28 state to the department of human services for the fiscal year
29 beginning July 1, 2010, and ending June 30, 2011, the following
30 amount, or so much thereof as is necessary, to be used for the
31 purpose designated:

32 For the family support subsidy program:

33 \$ 1,167,998

34 2. The department shall use at least \$289,444 of the moneys
35 appropriated in this section for the family support center

1 component of the comprehensive family support program under
2 section 225C.47. Not more than \$25,000 of the amount allocated
3 in this subsection shall be used for administrative costs.

4 3. If at any time during the fiscal year, the amount of
5 funding available for the family support subsidy program
6 is reduced from the amount initially used to establish the
7 figure for the number of family members for whom a subsidy
8 is to be provided at any one time during the fiscal year,
9 notwithstanding section 225C.38, subsection 2, the department
10 shall revise the figure as necessary to conform to the amount
11 of funding available.

12 Sec. 23. CONNER DECREE. There is appropriated from the
13 general fund of the state to the department of human services
14 for the fiscal year beginning July 1, 2010, and ending June 30,
15 2011, the following amount, or so much thereof as is necessary,
16 to be used for the purpose designated:

17 For building community capacity through the coordination
18 and provision of training opportunities in accordance with the
19 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.
20 Iowa, July 14, 1994):

21 \$ 33,622

22 Sec. 24. MENTAL HEALTH INSTITUTES.

23 1. There is appropriated from the general fund of the
24 state to the department of human services for the fiscal year
25 beginning July 1, 2010, and ending June 30, 2011, the following
26 amounts, or so much thereof as is necessary, to be used for the
27 purposes designated:

28 a. For the state mental health institute at Cherokee for
29 salaries, support, maintenance, and miscellaneous purposes, and
30 for not more than the following full-time equivalent positions:

31 \$ 5,221,979

32 FTEs 205.06

33 b. For the state mental health institute at Clarinda for
34 salaries, support, maintenance, and miscellaneous purposes, and
35 for not more than the following full-time equivalent positions:

H.F. 2526

1 \$ 6,139,698

2 FTEs 114.95

3 c. For the state mental health institute at Independence for
4 salaries, support, maintenance, and miscellaneous purposes, and
5 for not more than the following full-time equivalent positions:

6 \$ 9,590,653

7 FTEs 287.85

8 d. For the state mental health institute at Mount Pleasant
9 for salaries, support, maintenance, and miscellaneous purposes,
10 and for not more than the following full-time equivalent
11 positions:

12 \$ 1,613,175

13 FTEs 116.44

14 2. The department, as part of efforts to develop and
15 implement the comprehensive mental health and disability
16 services plan as provided in section 225C.6B, shall review
17 services provided by or offered at the state mental health
18 institutes and may modify such services to further the plan
19 and provide cost-effective and necessary services. As part
20 of the review, the department shall consult with stakeholders
21 concerning developing subacute mental health care options at
22 the institutes. In addition, the department shall consider the
23 feasibility of developing treatment facilities of sixteen beds
24 or fewer that would be eligible for federal Medicaid program
25 match; identify provisions to increase the participation of
26 students of medical, dental, psychiatry, psychology, social
27 work, and other health care and behavioral health professions
28 in clinical practice training at the institutions administered
29 by the department; and develop methods for the department
30 and the judicial branch to facilitate regular meetings and
31 other communication between representatives of the criminal
32 justice system, service providers, county central point of
33 coordination administrators, other pertinent state agencies,
34 and other stakeholders to improve the processes for involuntary
35 commitment for chronic substance abuse under chapter 125 and

1 serious mental illness under chapter 229.

2 Sec. 25. STATE RESOURCE CENTERS.

3 1. There is appropriated from the general fund of the
4 state to the department of human services for the fiscal year
5 beginning July 1, 2010, and ending June 30, 2011, the following
6 amounts, or so much thereof as is necessary, to be used for the
7 purposes designated:

8 a. For the state resource center at Glenwood for salaries,
9 support, maintenance, and miscellaneous purposes:
10 \$ 14,982,839

11 b. For the state resource center at Woodward for salaries,
12 support, maintenance, and miscellaneous purposes:
13 \$ 9,312,271

14 2. The department may continue to bill for state resource
15 center services utilizing a scope of services approach used for
16 private providers of ICFMR services, in a manner which does not
17 shift costs between the medical assistance program, counties,
18 or other sources of funding for the state resource centers.

19 3. The state resource centers may expand the time-limited
20 assessment and respite services during the fiscal year.

21 4. If the department's administration and the department
22 of management concur with a finding by a state resource
23 center's superintendent that projected revenues can reasonably
24 be expected to pay the salary and support costs for a new
25 employee position, or that such costs for adding a particular
26 number of new positions for the fiscal year would be less
27 than the overtime costs if new positions would not be added,
28 the superintendent may add the new position or positions. If
29 the vacant positions available to a resource center do not
30 include the position classification desired to be filled, the
31 state resource center's superintendent may reclassify any
32 vacant position as necessary to fill the desired position. The
33 superintendents of the state resource centers may, by mutual
34 agreement, pool vacant positions and position classifications
35 during the course of the fiscal year in order to assist one

1 another in filling necessary positions.

2 5. If existing capacity limitations are reached in
3 operating units, a waiting list is in effect for a service or
4 a special need for which a payment source or other funding
5 is available for the service or to address the special need,
6 and facilities for the service or to address the special need
7 can be provided within the available payment source or other
8 funding, the superintendent of a state resource center may
9 authorize opening not more than two units or other facilities
10 and begin implementing the service or addressing the special
11 need during fiscal year 2010-2011.

12 Sec. 26. MI/MR/DD STATE CASES.

13 1. There is appropriated from the general fund of the
14 state to the department of human services for the fiscal year
15 beginning July 1, 2010, and ending June 30, 2011, the following
16 amount, or so much thereof as is necessary, to be used for the
17 purpose designated:

18 For distribution to counties for state case services
19 for persons with mental illness, mental retardation, and
20 developmental disabilities in accordance with section 331.440:
21 \$ 10,295,207

22 2. For the fiscal year beginning July 1, 2010, and ending
23 June 30, 2011, \$200,000 is allocated for state case services
24 from the amounts appropriated from the fund created in section
25 8.41 to the department of human services from the funds
26 received from the federal government under 42 U.S.C. ch. 6A,
27 subch. XVII, relating to the community mental health center
28 block grant, for the federal fiscal years beginning October
29 1, 2008, and ending September 30, 2009, beginning October 1,
30 2009, and ending September 30, 2010, and beginning October 1,
31 2010, and ending September 30, 2011. The allocation made in
32 this subsection shall be made prior to any other distribution
33 allocation of the appropriated federal funds.

34 3. Notwithstanding section 8.33, moneys appropriated in
35 this section that remain unencumbered or unobligated at the

1 close of the fiscal year shall not revert but shall remain
2 available for expenditure for the purposes designated until the
3 close of the succeeding fiscal year.

4 Sec. 27. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES —
5 COMMUNITY SERVICES FUND. There is appropriated from
6 the general fund of the state to the mental health and
7 developmental disabilities community services fund created in
8 section 225C.7 for the fiscal year beginning July 1, 2010, and
9 ending June 30, 2011, the following amount, or so much thereof
10 as is necessary, to be used for the purpose designated:

11 For mental health and developmental disabilities community
12 services in accordance with this division of this Act:

13 \$ 14,211,100

14 1. Of the funds appropriated in this section, \$14,187,556
15 shall be allocated to counties for funding of community-based
16 mental health and developmental disabilities services. The
17 moneys shall be allocated to a county as follows:

18 a. Fifty percent based upon the county's proportion of the
19 state's population of persons with an annual income which is
20 equal to or less than the poverty guideline established by the
21 federal office of management and budget.

22 b. Fifty percent based upon the county's proportion of the
23 state's general population.

24 2. a. A county shall utilize the funding the county
25 receives pursuant to subsection 1 for services provided to
26 persons with a disability, as defined in section 225C.2.
27 However, no more than 50 percent of the funding shall be used
28 for services provided to any one of the service populations.

29 b. A county shall use at least 50 percent of the funding the
30 county receives under subsection 1 for contemporary services
31 provided to persons with a disability, as described in rules
32 adopted by the department.

33 3. Of the funds appropriated in this section, \$23,544
34 shall be used to support the Iowa compass program providing
35 computerized information and referral services for Iowans with

1 disabilities and their families.

2 4. a. Funding appropriated for purposes of the federal
3 social services block grant is allocated for distribution
4 to counties for local purchase of services for persons with
5 mental illness or mental retardation or other developmental
6 disability.

7 b. The funds allocated in this subsection shall be expended
8 by counties in accordance with the county's county management
9 plan approved by the board of supervisors. A county without
10 an approved county management plan shall not receive allocated
11 funds until the county's management plan is approved.

12 c. The funds provided by this subsection shall be allocated
13 to each county as follows:

14 (1) Fifty percent based upon the county's proportion of the
15 state's population of persons with an annual income which is
16 equal to or less than the poverty guideline established by the
17 federal office of management and budget.

18 (2) Fifty percent based upon the amount provided to the
19 county for local purchase of services in the preceding fiscal
20 year.

21 5. A county is eligible for funds under this section if the
22 county qualifies for a state payment as described in section
23 331.439.

24 6. The most recent population estimates issued by the United
25 States bureau of the census shall be applied for the population
26 factors utilized in this section.

27 7. The governor's developmental disabilities council is
28 requested to facilitate a workgroup of stakeholders to review
29 the status of residential care facilities in the state and
30 the services provided. The membership of the workgroup may
31 include but is not limited to representatives of county central
32 point of coordination administrators, the departments of aging,
33 human services, and inspections and appeals, the office of
34 the citizens' aide and other legislative agencies, and the
35 judicial branch. The issues considered by the workgroup may

1 include identifying the characteristics of clients served such
2 as age, disability, reason for admission and level of care
3 provided; the reasons why such facilities have been closing
4 or downsizing and where clients were placed; the types and
5 usage of alternatives to the facilities; the types of services
6 provided to clients such as Medicaid waiver, rehabilitation,
7 mental health, and aging services; workforce employed by the
8 facilities; client access to health care; financing; and
9 practices used for court-ordered placements. The workgroup
10 shall report, providing findings and recommendations, to the
11 governor and persons designated by this Act for submission of
12 reports on or before December 15, 2010.

13 Sec. 28. SEXUALLY VIOLENT PREDATORS.

14 1. There is appropriated from the general fund of the
15 state to the department of human services for the fiscal year
16 beginning July 1, 2010, and ending June 30, 2011, the following
17 amount, or so much thereof as is necessary, to be used for the
18 purpose designated:

19 For costs associated with the commitment and treatment of
20 sexually violent predators in the unit located at the state
21 mental health institute at Cherokee, including costs of legal
22 services and other associated costs, including salaries,
23 support, maintenance, and miscellaneous purposes, and for not
24 more than the following full-time equivalent positions:
25 \$ 6,632,660
26 FTEs 105.50

27 2. Unless specifically prohibited by law, if the amount
28 charged provides for recoupment of at least the entire amount
29 of direct and indirect costs, the department of human services
30 may contract with other states to provide care and treatment
31 of persons placed by the other states at the unit for sexually
32 violent predators at Cherokee. The moneys received under
33 such a contract shall be considered to be repayment receipts
34 and used for the purposes of the appropriation made in this
35 section.

1 Sec. 29. FIELD OPERATIONS. There is appropriated from the
2 general fund of the state to the department of human services
3 for the fiscal year beginning July 1, 2010, and ending June 30,
4 2011, the following amount, or so much thereof as is necessary,
5 to be used for the purposes designated:

6 For field operations, including salaries, support,
7 maintenance, and miscellaneous purposes, and for not more than
8 the following full-time equivalent positions:

9 \$ 53,207,624
10 FTEs 2,000.13

11 Priority in filling full-time equivalent positions shall be
12 given to those positions related to child protection services
13 and eligibility determination for low-income families.

14 Sec. 30. GENERAL ADMINISTRATION. There is appropriated
15 from the general fund of the state to the department of human
16 services for the fiscal year beginning July 1, 2010, and ending
17 June 30, 2011, the following amount, or so much thereof as is
18 necessary, to be used for the purpose designated:

19 For general administration, including salaries, support,
20 maintenance, and miscellaneous purposes, and for not more than
21 the following full-time equivalent positions:

22 \$ 15,352,271
23 FTEs 354.33

24 1. Of the funds appropriated in this section, \$43,700
25 allocated for the prevention of disabilities policy council
26 established in section 225B.3.

27 2. The department shall report at least monthly to the
28 legislative services agency concerning the department's
29 operational and program expenditures.

30 Sec. 31. CHILDREN'S MENTAL HEALTH AND CHILD WELFARE
31 SERVICES.

32 1. It is the intent of the general assembly to improve
33 coordination and integration of mental health services and
34 outcomes for children, as well as alignment of the services
35 and outcomes with the child welfare system. The department

1 of human services, in collaboration with providers, shall
2 develop a plan for transitioning administration of the remedial
3 services program from fee-for-service approach to the Iowa
4 plan, behavioral health managed care plan. The transition
5 plan shall address specific strategies for improving service
6 coordination for children and adults; establish vendor
7 performance standards; provide a process for ongoing monitoring
8 of quality of care, performance, and quality improvement
9 technical assistance for providers; identify methods and
10 standards for credentialing remedial providers; and provide
11 implementation timeframes.

12 2. The department shall establish a transition committee
13 that includes representatives from departmental staff for
14 Medicaid, child welfare, field, and mental health services,
15 the director of the Iowa plan, the executive director of the
16 coalition of family and children's services in Iowa, three
17 remedial services providers designated by the executive
18 director of the coalition, and a remedial services provider who
19 is not a member of the provider organization. The committee
20 shall develop the plan and manage the transition, if the plan
21 is implemented. The plan shall be developed by December 31,
22 2010. The department may proceed with implementing the plan
23 over the six month period following December 31, 2010, if the
24 department determines that the plan meets the legislative
25 intent identified in subsection 1.

26 Sec. 32. VOLUNTEERS. There is appropriated from the general
27 fund of the state to the department of human services for the
28 fiscal year beginning July 1, 2010, and ending June 30, 2011,
29 the following amount, or so much thereof as is necessary, to be
30 used for the purpose designated:

31 For development and coordination of volunteer services:
32 \$ 84,660

33 Sec. 33. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
34 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
35 DEPARTMENT OF HUMAN SERVICES.

1 1. a. (1) For the fiscal year beginning July 1, 2010,
2 the total state funding amount for the nursing facility budget
3 shall not exceed \$153,126,081.

4 (2) The department, in cooperation with nursing facility
5 representatives, shall review projections for state funding
6 expenditures for reimbursement of nursing facilities on a
7 quarterly basis and the department shall determine if an
8 adjustment to the medical assistance reimbursement rate is
9 necessary in order to provide reimbursement within the state
10 funding amount. Any temporary enhanced federal financial
11 participation that may become available to the Iowa medical
12 assistance program during the fiscal year shall not be used
13 in projecting the nursing facility budget. Notwithstanding
14 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
15 "c", and subsection 3, paragraph "a", subparagraph (2),
16 if the state funding expenditures for the nursing facility
17 budget for the fiscal year beginning July 1, 2010, are
18 projected to exceed the amount specified in subparagraph (1),
19 the department shall adjust the reimbursement for nursing
20 facilities reimbursed under the case-mix reimbursement system
21 to maintain expenditures of the nursing facility budget
22 within the specified amount. The department shall revise such
23 reimbursement as necessary to adjust the annual accountability
24 measures payment in accordance with 2001 Iowa Acts, chapter
25 192, section 4, subsection 4, as amended by 2008 Iowa Acts,
26 chapter 1187, section 33, and as amended by 2009 Iowa Acts,
27 chapter 182, section 33, to implement a pay-for-performance
28 payment.

29 (3) For the fiscal year beginning July 1, 2010, special
30 population nursing facilities shall be reimbursed in accordance
31 with the methodology in effect on November 30, 2009.

32 b. For the fiscal year beginning July 1, 2010, the
33 department shall reimburse pharmacy dispensing fees using a
34 single rate of \$4.34 per prescription or the pharmacy's usual
35 and customary fee, whichever is lower.

1 c. (1) For the fiscal year beginning July 1, 2010,
2 reimbursement rates for outpatient hospital services shall
3 remain at the rates in effect on June 30, 2010.

4 (2) For the fiscal year beginning July 1, 2010,
5 reimbursement rates for inpatient hospital services shall
6 remain at the rates in effect on June 30, 2010.

7 (3) For the fiscal year beginning July 1, 2010, the graduate
8 medical education and disproportionate share hospital fund
9 shall remain at the amount in effect on June 30, 2010.

10 (4) In order to ensure the efficient use of limited state
11 funds in procuring health care services for low-income Iowans,
12 funds appropriated in this Act for hospital services shall
13 not be used for activities which would be excluded from a
14 determination of reasonable costs under the federal Medicare
15 program pursuant to 42 U.S.C. § 1395X(v)(1)(N).

16 d. For the fiscal year beginning July 1, 2010, reimbursement
17 rates for rural health clinics, hospices, and acute mental
18 hospitals shall be increased in accordance with increases under
19 the federal Medicare program or as supported by their Medicare
20 audited costs.

21 e. For the fiscal year beginning July 1, 2010, independent
22 laboratories and rehabilitation agencies shall be reimbursed
23 using the same methodology in effect on June 30, 2010.

24 f. For the fiscal year beginning July 1, 2010, reimbursement
25 rates for home health agencies shall remain at the rates in
26 effect on June 30, 2010, not to exceed a home health agency's
27 actual allowable cost.

28 g. For the fiscal year beginning July 1, 2010, federally
29 qualified health centers shall receive cost-based reimbursement
30 for 100 percent of the reasonable costs for the provision of
31 services to recipients of medical assistance.

32 h. For the fiscal year beginning July 1, 2010, the
33 reimbursement rates for dental services shall remain at the
34 rates in effect on June 30, 2010.

35 i. For the fiscal year beginning July 1, 2010, state-owned

1 psychiatric medical institutions for children shall receive
2 cost-based reimbursement for 100 percent of the actual and
3 allowable costs for the provision of services to recipients of
4 medical assistance. For nonstate-owned psychiatric medical
5 institutions for children, reimbursement shall be determined in
6 accordance with section 249A.31 subject to the rate limitations
7 specified in executive order number 19 issued October 8, 2009.

8 j. For the fiscal year beginning July 1, 2010, unless
9 otherwise specified in this Act, all noninstitutional medical
10 assistance provider reimbursement rates shall remain at the
11 rates in effect on June 30, 2010, except for area education
12 agencies, local education agencies, infant and toddler services
13 providers, targeted case management, and those providers
14 whose rates are required to be determined pursuant to section
15 249A.20.

16 k. Notwithstanding any provision to the contrary, for the
17 fiscal year beginning July 1, 2010, the reimbursement rate for
18 anesthesiologists shall remain at the rate in effect on June
19 30, 2010.

20 l. Notwithstanding section 249A.20, for the fiscal year
21 beginning July 1, 2010, the average reimbursement rate for
22 health care providers eligible for use of the federal Medicare
23 resource-based relative value scale reimbursement methodology
24 under that section shall remain at the rate in effect on June
25 30, 2010; however, this rate shall not exceed the maximum level
26 authorized by the federal government.

27 m. For the fiscal year beginning July 1, 2010, the
28 reimbursement rate for residential care facilities shall not
29 be less than the minimum payment level as established by the
30 federal government to meet the federally mandated maintenance
31 of effort requirement. The flat reimbursement rate for
32 facilities electing not to file annual cost reports shall not
33 be less than the minimum payment level as established by the
34 federal government to meet the federally mandated maintenance
35 of effort requirement.

1 n. For the fiscal year beginning July 1, 2010, inpatient
2 mental health services provided at hospitals shall remain at
3 the rates in effect on June 30, 2010, subject to Medicaid
4 program upper payment limit rules; community mental health
5 centers and providers of mental health services to county
6 residents pursuant to a waiver approved under section 225C.7,
7 subsection 3, shall be reimbursed at 100 percent of the
8 reasonable costs for the provision of services to recipients of
9 medical assistance; and psychiatrists shall be reimbursed at
10 the medical assistance program fee for service rate.

11 o. For the fiscal year beginning July 1, 2010, the
12 reimbursement rate for consumer-directed attendant care shall
13 remain at the rates in effect on June 30, 2010.

14 p. For the fiscal year beginning July 1, 2010, the
15 reimbursement rate for providers of family planning services
16 that are eligible to receive a 90 percent federal match shall
17 remain at the rates in effect on January 31, 2010.

18 q. Unless otherwise provided in this section, the
19 department shall continue the reduction in payments to medical
20 assistance program providers for the fiscal year beginning
21 July 1, 2010, and ending June 30, 2011, in the percentage
22 amount applicable to the respective provider as specified under
23 Executive Order 19.

24 2. For the fiscal year beginning July 1, 2010, the
25 reimbursement rate for providers reimbursed under the
26 in-home-related care program shall not be less than the minimum
27 payment level as established by the federal government to meet
28 the federally mandated maintenance of effort requirement.

29 3. Unless otherwise directed in this section, when the
30 department's reimbursement methodology for any provider
31 reimbursed in accordance with this section includes an
32 inflation factor, this factor shall not exceed the amount
33 by which the consumer price index for all urban consumers
34 increased during the calendar year ending December 31, 2002.

35 4. For the fiscal year beginning July 1, 2010,

1 notwithstanding section 234.38, the foster family basic daily
2 maintenance rate, the maximum adoption subsidy rate, and the
3 maximum supervised apartment living foster care rate, and the
4 preparation for adult living program maintenance rate for
5 children ages 0 through 5 years shall be \$15.54, the rate for
6 children ages 6 through 11 years shall be \$16.16, the rate for
7 children ages 12 through 15 years shall be \$17.69, and the
8 rate for children and young adults ages 16 and older shall be
9 \$18.87.

10 5. For the fiscal year beginning July 1, 2010, the maximum
11 reimbursement rates for social services providers reimbursed
12 under a purchase of social services contract shall remain at
13 the rates in effect on June 30, 2010, or the provider's actual
14 and allowable cost plus inflation for each service, whichever
15 is less. However, the rates may be adjusted under any of the
16 following circumstances:

17 a. If a new service was added after June 30, 2010, the
18 initial reimbursement rate for the service shall be based upon
19 actual and allowable costs.

20 b. If a social service provider loses a source of income
21 used to determine the reimbursement rate for the provider,
22 the provider's reimbursement rate may be adjusted to reflect
23 the loss of income, provided that the lost income was used to
24 support actual and allowable costs of a service purchased under
25 a purchase of service contract.

26 6. For the fiscal year beginning July 1, 2010, the
27 reimbursement rates for family-centered service providers,
28 family foster care service providers, group foster care service
29 providers, and the resource family recruitment and retention
30 contractor shall remain at the rates in effect on June 30,
31 2010.

32 7. The group foster care reimbursement rates paid for
33 placement of children out of state shall be calculated
34 according to the same rate-setting principles as those used for
35 in-state providers, unless the director of human services or

1 the director's designee determines that appropriate care cannot
2 be provided within the state. The payment of the daily rate
3 shall be based on the number of days in the calendar month in
4 which service is provided.

5 8. For the fiscal year beginning July 1, 2010, remedial
6 service providers shall receive the same level of reimbursement
7 under the same methodology in effect on June 30, 2010.

8 9. a. For the fiscal year beginning July 1, 2010,
9 the combined service and maintenance components of the
10 reimbursement rate paid for shelter care services and
11 alternative child welfare emergency services purchased under
12 a contract shall be based on the financial and statistical
13 report submitted to the department. The maximum reimbursement
14 rate shall be \$92.36 per day. The department shall reimburse
15 a shelter care provider at the provider's actual and
16 allowable unit cost, plus inflation, not to exceed the maximum
17 reimbursement rate.

18 b. Notwithstanding section 232.141, subsection 8, for the
19 fiscal year beginning July 1, 2010, the amount of the statewide
20 average of the actual and allowable rates for reimbursement of
21 juvenile shelter care homes that is utilized for the limitation
22 on recovery of unpaid costs shall remain at the amount in
23 effect for this purpose in the preceding fiscal year.

24 10. For the fiscal year beginning July 1, 2010, the
25 department shall calculate reimbursement rates for intermediate
26 care facilities for persons with mental retardation at the
27 80th percentile. Beginning July 1, 2010, the rate calculation
28 methodology shall utilize the consumer price index inflation
29 factor applicable to the fiscal year beginning July 1, 2010.

30 11. For the fiscal year beginning July 1, 2010, for child
31 care providers reimbursed under the state child care assistance
32 program, the department shall set provider reimbursement
33 rates based on the rate reimbursement survey completed in
34 December 2004. Effective July 1, 2010, the child care provider
35 reimbursement rates shall remain at the rates in effect on June

1 30, 2010. The department shall set rates in a manner so as
2 to provide incentives for a nonregistered provider to become
3 registered by applying the increase only to registered and
4 licensed providers.

5 12. For the fiscal year beginning July 1, 2010,
6 reimbursements for providers reimbursed by the department of
7 human services may be modified if appropriated funding is
8 allocated for that purpose from the senior living trust fund
9 created in section 249H.4.

10 13. The department may adopt emergency rules to implement
11 this section.

12 Sec. 34. EMERGENCY RULES.

13 1. If specifically authorized by a provision of this
14 division of this Act, the department of human services or the
15 mental health, mental retardation, developmental disabilities,
16 and brain injury commission may adopt administrative rules
17 under section 17A.4, subsection 3, and section 17A.5,
18 subsection 2, paragraph "b", to implement the provisions and
19 the rules shall become effective immediately upon filing or
20 on a later effective date specified in the rules, unless the
21 effective date is delayed by the administrative rules review
22 committee. Any rules adopted in accordance with this section
23 shall not take effect before the rules are reviewed by the
24 administrative rules review committee. The delay authority
25 provided to the administrative rules review committee under
26 section 17A.4, subsection 7, and section 17A.8, subsection 9,
27 shall be applicable to a delay imposed under this section,
28 notwithstanding a provision in those sections making them
29 inapplicable to section 17A.5, subsection 2, paragraph "b".
30 Any rules adopted in accordance with the provisions of this
31 section shall also be published as notice of intended action
32 as provided in section 17A.4.

33 2. If during the fiscal year beginning July 1, 2010, the
34 department of human services is adopting rules in accordance
35 with this section or as otherwise directed or authorized by

1 state law, and the rules will result in an expenditure increase
2 beyond the amount anticipated in the budget process or if the
3 expenditure was not addressed in the budget process for the
4 fiscal year, the department shall notify the persons designated
5 by this division of this Act for submission of reports,
6 the chairpersons and ranking members of the committees on
7 appropriations, and the department of management concerning the
8 rules and the expenditure increase. The notification shall be
9 provided at least 30 calendar days prior to the date notice of
10 the rules is submitted to the administrative rules coordinator
11 and the administrative code editor.

12 Sec. 35. REPORTS. Any reports or information required to be
13 compiled and submitted under this Act shall be submitted to the
14 chairpersons and ranking members of the joint appropriations
15 subcommittee on health and human services, the legislative
16 services agency, and the legislative caucus staffs on or
17 before the dates specified for submission of the reports or
18 information.

19 Sec. 36. EFFECTIVE DATE. The following provisions of this
20 division of this Act, being deemed of immediate importance,
21 take effect upon enactment:

22 The provision under the appropriation for child and family
23 services, relating to requirements of section 232.143 for
24 representatives of the department of human services and
25 juvenile court services to establish a plan for continuing
26 group foster care expenditures for fiscal year 2010-2011.

27 DIVISION V

28 SENIOR LIVING TRUST FUND,
29 PHARMACEUTICAL SETTLEMENT ACCOUNT,
30 IOWACARE ACCOUNT, HEALTH CARE

31 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT, QUALITY
32 ASSURANCE TRUST FUND, AND UNDERGROUND STORAGE TANK FUND

33 Sec. 37. DEPARTMENT ON AGING. There is appropriated from
34 the senior living trust fund created in section 249H.4 to the
35 department on aging for the fiscal year beginning July 1, 2010,

1 and ending June 30, 2011, the following amount, or so much
2 thereof as is necessary, to be used for the purpose designated:

3 For the development and implementation of a comprehensive
4 senior living program, including case management and
5 including program administration and costs associated with
6 implementation:

7 \$ 8,486,698

8 1. a. Of the funds appropriated in this section, \$1,010,000
9 shall be transferred to the department of human services in
10 equal amounts on a quarterly basis for reimbursement of case
11 management services provided under the medical assistance
12 elderly waiver.

13 b. The department of human services shall review
14 projections for state funding expenditures for reimbursement
15 of case management services under the medical assistance
16 elderly waiver on a quarterly basis and shall determine if an
17 adjustment to the medical assistance reimbursement rates are
18 necessary to provide reimbursement within the state funding
19 amounts budgeted under the appropriations made for the fiscal
20 year for the medical assistance program. Any temporary
21 enhanced federal financial participation that may become
22 available for the medical assistance program during the fiscal
23 year shall not be used in projecting the medical assistance
24 elderly waiver case management budget. The department of human
25 services shall revise such reimbursement rates as necessary to
26 maintain expenditures for medical assistance elderly waiver
27 case management services within the state funding amounts
28 budgeted under the appropriations made for the fiscal year for
29 the medical assistance program.

30 2. Notwithstanding section 249H.7, the department on aging
31 shall distribute funds appropriated in this section in a
32 manner that will supplement and maximize federal funds under
33 the federal Older Americans Act and shall not use the amount
34 distributed for any administrative purposes of either the
35 department on aging or the area agencies on aging.

1 3. Of the funds appropriated in this section, \$60,000
2 shall be used to provide dementia-specific education to
3 direct care workers and other providers of long-term care
4 to enhance existing or scheduled efforts through the Iowa
5 caregivers association, the Alzheimer's association, and other
6 organizations identified as appropriate by the department.

7 4. Of the funds appropriated in this section, \$51,000 shall
8 be used to provide funding for the legal hotline for older
9 Iowans.

10 5. Of the funds appropriated in this section, up to \$193,000
11 shall be used to provide state matching funds for the senior
12 community services employment program.

13 Sec. 38. IOWA FINANCE AUTHORITY. There is appropriated
14 from the senior living trust fund created in section 249H.4 to
15 the Iowa finance authority for the fiscal year beginning July
16 1, 2010, and ending June 30, 2011, the following amount, or
17 so much thereof as is necessary, to be used for the purposes
18 designated:

19 For the rent subsidy program, to provide reimbursement for
20 rent expenses to eligible persons:

21 \$ 700,000

22 Participation in the rent subsidy program shall be limited
23 to only those persons who meet the requirements for the nursing
24 facility level of care for home and community-based services
25 waiver services as in effect on July 1, 2010, and to those
26 individuals who are eligible for the federal money follows the
27 person grant program under the medical assistance program. Of
28 the funds appropriated in this section, not more than \$35,000
29 may be used for administrative costs.

30 Sec. 39. DEPARTMENT OF HUMAN SERVICES. Any funds remaining
31 in the senior living trust fund created in section 249H.4
32 following the appropriations from the senior living trust
33 fund made in this division of this Act to the department on
34 aging, the department of inspections and appeals, and the Iowa
35 finance authority, for the fiscal year beginning July 1, 2010,

1 and ending June 30, 2011, are appropriated to the department
2 of human services to supplement the medical assistance
3 program appropriations made in this Act, including program
4 administration and costs associated with implementation. In
5 order to carry out the purposes of this section, the department
6 may transfer funds appropriated in this section to supplement
7 other appropriations made to the department of human services.

8 Sec. 40. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
9 appropriated from the pharmaceutical settlement account created
10 in section 249A.33 to the department of human services for the
11 fiscal year beginning July 1, 2010, and ending June 30, 2011,
12 the following amount, or so much thereof as is necessary, to be
13 used for the purpose designated:

14 Notwithstanding any provision of law to the contrary, to
15 supplement the appropriations made for medical contracts under
16 the medical assistance program:

17 \$ 4,027,613

18 Sec. 41. APPROPRIATIONS FROM IOWACARE ACCOUNT.

19 1. There is appropriated from the IowaCare account
20 created in section 249J.24 to the state board of regents for
21 distribution to the university of Iowa hospitals and clinics
22 for the fiscal year beginning July 1, 2010, and ending June 30,
23 2011, the following amount, or so much thereof as is necessary,
24 to be used for the purposes designated:

25 For salaries, support, maintenance, equipment, and
26 miscellaneous purposes, for the provision of medical and
27 surgical treatment of indigent patients, for provision of
28 services to members of the expansion population pursuant to
29 chapter 249J, and for medical education:

30 \$ 27,284,584

31 a. Funds appropriated in this subsection shall not be used
32 to perform abortions except medically necessary abortions, and
33 shall not be used to operate the early termination of pregnancy
34 clinic except for the performance of medically necessary
35 abortions. For the purpose of this subsection, an abortion is

1 the purposeful interruption of pregnancy with the intention
2 other than to produce a live-born infant or to remove a dead
3 fetus, and a medically necessary abortion is one performed
4 under one of the following conditions:

5 (1) The attending physician certifies that continuing the
6 pregnancy would endanger the life of the pregnant woman.

7 (2) The attending physician certifies that the fetus is
8 physically deformed, mentally deficient, or afflicted with a
9 congenital illness.

10 (3) The pregnancy is the result of a rape which is reported
11 within 45 days of the incident to a law enforcement agency or
12 public or private health agency which may include a family
13 physician.

14 (4) The pregnancy is the result of incest which is reported
15 within 150 days of the incident to a law enforcement agency
16 or public or private health agency which may include a family
17 physician.

18 (5) The abortion is a spontaneous abortion, commonly known
19 as a miscarriage, wherein not all of the products of conception
20 are expelled.

21 b. Notwithstanding any provision of law to the contrary,
22 the amount appropriated in this subsection shall be distributed
23 based on claims submitted, adjudicated, and paid by the Iowa
24 Medicaid enterprise.

25 c. Contingent upon implementation of 2010 Iowa Acts, Senate
26 File 2356, the university of Iowa hospitals and clinics shall
27 certify public expenditures in an amount equal to provide
28 the nonfederal share on total expenditures not to exceed
29 \$20,000,000.

30 2. There is appropriated from the IowaCare account
31 created in section 249J.24 to the state board of regents for
32 distribution to the university of Iowa hospitals and clinics
33 for the fiscal year beginning July 1, 2010, and ending June 30,
34 2011, the following amount, or so much thereof as is necessary,
35 to be used for the purposes designated:

1 For salaries, support, maintenance, equipment, and
 2 miscellaneous purposes, for the provision of medical and
 3 surgical treatment of indigent patients, for provision of
 4 services to members of the expansion population pursuant to
 5 chapter 249J, and for medical education:
 6 \$ 49,020,031

7 Notwithstanding any provision of law to the contrary, the
 8 amount appropriated in this subsection shall be distributed
 9 based on claims submitted, adjudicated, and paid by the Iowa
 10 Medicaid enterprise.

11 3. Contingent upon enactment of 2010 Iowa Acts, Senate
 12 File 2356, there is appropriated from the IowaCare account
 13 created in section 249J.24, to the state board of regents for
 14 distribution to university of Iowa physicians for the fiscal
 15 year beginning July 1, 2010, and ending June 30, 2011, the
 16 following amount, or so much thereof as is necessary to be used
 17 for the purposes designated:

18 For salaries, support, maintenance, equipment, and
 19 miscellaneous purposes for the provision of medical and
 20 surgical treatment of indigent patients, for provision of
 21 services to members of the expansion population pursuant to
 22 chapter 249J, and for medical education:
 23 \$ 12,000,000

24 Notwithstanding any provision of law to the contrary, the
 25 amount appropriated in this subsection shall be distributed
 26 based on claims submitted, adjudicated, and paid by the Iowa
 27 Medicaid enterprise. Once the entire amount appropriated in
 28 this subsection has been distributed, claims shall continue to
 29 be submitted and adjudicated by the Iowa Medicaid enterprise;
 30 however, no payment shall be made based upon such claims.

31 4. There is appropriated from the IowaCare account created
 32 in section 249J.24 to the department of human services for the
 33 fiscal year beginning July 1, 2010, and ending June 30, 2011,
 34 the following amount, or so much thereof as is necessary, to be
 35 used for the purposes designated:

1 For distribution to a publicly owned acute care teaching
2 hospital located in a county with a population over 350,000 for
3 the provision of medical and surgical treatment of indigent
4 patients, for provision of services to members of the expansion
5 population pursuant to chapter 249J, and for medical education:
6 \$ 51,000,000

7 a. Notwithstanding any provision of law to the contrary,
8 the amount appropriated in this subsection shall be distributed
9 based on claims submitted, adjudicated, and paid by the Iowa
10 Medicaid enterprise plus a monthly disproportionate share
11 hospital payment. Any amount appropriated in this subsection
12 in excess of \$48,000,000 shall be distributed only if the sum
13 of the expansion population claims adjudicated and paid by the
14 Iowa Medicaid enterprise plus the estimated disproportionate
15 share hospital payments exceeds \$48,000,000. The amount paid
16 in excess of \$48,000,000 shall not adjust the original monthly
17 payment amount but shall be distributed monthly based on actual
18 claims adjudicated and paid by the Iowa Medicaid enterprise
19 plus the estimated disproportionate share hospital amount. Any
20 amount appropriated in this subsection in excess of \$48,000,000
21 shall be allocated only if federal funds are available to match
22 the amount allocated.

23 b. Notwithstanding the total amount of proceeds distributed
24 pursuant to section 249J.24, subsection 6, paragraph "a",
25 unnumbered paragraph 1, for the fiscal year beginning July
26 1, 2010, and ending June 30, 2011, the county treasurer of a
27 county with a population of over 350,000 in which a publicly
28 owned acute care teaching hospital is located shall distribute
29 the proceeds collected pursuant to section 347.7 in a total
30 amount of \$38,000,000, which would otherwise be distributed to
31 the county hospital, to the treasurer of state for deposit in
32 the IowaCare account.

33 c. (1) Notwithstanding the amount collected and
34 distributed for deposit in the IowaCare account pursuant to
35 section 249J.24, subsection 6, paragraph "a", subparagraph

1 (1), the first \$19,000,000 in proceeds collected pursuant to
2 section 347.7 between July 1, 2010, and December 31, 2010,
3 shall be distributed to the treasurer of state for deposit in
4 the IowaCare account and collections during this time period in
5 excess of \$19,000,000 shall be distributed to the acute care
6 teaching hospital identified in this subsection.

7 (2) Notwithstanding the amount collected and distributed
8 for deposit in the IowaCare account pursuant to section
9 249J.24, subsection 6, paragraph "a", subparagraph (2),
10 the first \$19,000,000 in collections pursuant to section
11 347.7 between January 1, 2011, and June 30, 2011, shall be
12 distributed to the treasurer of state for deposit in the
13 IowaCare account and collections during this time period in
14 excess of \$19,000,000 shall be distributed to the acute care
15 teaching hospital identified in this subsection.

16 5. Contingent upon enactment of 2010 Iowa Acts, Senate File
17 2356, there is appropriated from the IowaCare account created
18 in section 249J.24 to the department of human services for the
19 fiscal year beginning July 1, 2010, and ending June 30, 2011,
20 the following amount, or so much thereof as is necessary to be
21 used for the purpose designated:

22 For payment to the regional provider network specified by
23 the department pursuant to 2010 Iowa Acts, Senate File 2356,
24 section 2, amending section 249J.7, if enacted, for provision
25 of covered services to members of the expansion population
26 pursuant to chapter 249J:

27 \$ 6,000,000

28 Notwithstanding any provision of law to the contrary, the
29 amount appropriated in this subsection shall be distributed
30 based on claims submitted, adjudicated, and paid by the Iowa
31 Medicaid enterprise. Once the entire amount appropriated in
32 this subsection has been distributed, claims shall continue to
33 be submitted and adjudicated by the Iowa Medicaid enterprise;
34 however, no payment shall be made based upon such claims.

35 6. Contingent upon enactment of 2010 Iowa Acts, Senate File

1 2356, there is appropriated from the IowaCare account created
2 in section 249J.24 to the department of human services for the
3 fiscal year beginning July 1, 2010, and ending June 30, 2011,
4 the following amount, or so much thereof as is necessary to be
5 used for the purposes designated:

6 For payment to nonparticipating providers for covered
7 services provided in accordance with section 249J.24A:
8 \$ 2,000,000

9 Sec. 42. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
10 TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES.

11 Notwithstanding any provision to the contrary, there is
12 appropriated from the account for health care transformation
13 created in section 249J.23 to the department of human services
14 for the fiscal year beginning July 1, 2010, and ending June
15 30, 2011, the following amounts, or so much thereof as is
16 necessary, to be used for the purposes designated:

17 1. For the costs of medical examinations for the expansion
18 population pursuant to section 249J.6:
19 \$ 556,800

20 2. For the provision of an IowaCare nurse helpline for the
21 expansion population as provided in section 249J.6:
22 \$ 100,000

23 3. For other health promotion partnership activities
24 pursuant to section 249J.14:
25 \$ 600,000

26 4. For the costs related to audits, performance
27 evaluations, and studies required pursuant to chapter 249J:
28 \$ 125,000

29 5. For administrative costs associated with chapter 249J:
30 \$ 1,132,412

31 6. For planning and development, in cooperation with the
32 department of public health, of a phased-in program to provide
33 a dental home for children in accordance with section 249J.14:
34 \$ 1,000,000

35 7. For continuation of the establishment of the tuition

1 assistance for individuals serving individuals with
2 disabilities pilot program, as enacted in 2008 Iowa Acts,
3 chapter 1187, section 130:

4 \$ 50,000

5 8. For medical contracts:

6 \$ 1,300,000

7 9. For payment to the publicly owned acute care teaching
8 hospital located in a county with a population of over 350,000
9 that is a participating provider pursuant to chapter 249J:

10 \$ 290,000

11 Disbursements under this subsection shall be made monthly.
12 The hospital shall submit a report following the close of the
13 fiscal year regarding use of the funds appropriated in this
14 subsection to the persons specified in this Act to receive
15 reports.

16 Notwithstanding section 8.39, subsection 1, without the
17 prior written consent and approval of the governor and the
18 director of the department of management, the director of human
19 services may transfer funds among the appropriations made in
20 this section as necessary to carry out the purposes of the
21 account for health care transformation. The department shall
22 report any transfers made pursuant to this section to the
23 legislative services agency.

24 Sec. 43. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF
25 INSPECTIONS AND APPEALS. There is appropriated from the
26 Medicaid fraud account created in section 249A.7 to the
27 department of inspections and appeals for the fiscal year
28 beginning July 1, 2010, and ending June 30, 2011, the following
29 amount or so much thereof as is necessary, to be used for the
30 purposes designated:

31 For the inspection and certification of assisted living
32 programs and adult day care services, including program
33 administration and costs associated with implementation:

34 \$ 1,339,527

35 Sec. 44. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN

1 SERVICES. Notwithstanding any provision to the contrary and
2 subject to the availability of funds, there is appropriated
3 from the quality assurance trust fund created in section
4 249L.4 to the department of human services for the fiscal year
5 beginning July 1, 2010, and ending June 30, 2011, the following
6 amounts, or so much thereof as is necessary for the purposes
7 designated:

8 To supplement the appropriation made in this Act from the
9 general fund of the state to the department of human services
10 for medical assistance:

11 \$ 8,500,000

12 1. Funds appropriated in this section shall be used for
13 nursing facility reimbursement under the medical assistance
14 program in accordance with the nursing facility reimbursement
15 provisions of division IV of this Act, to continue application
16 of the administrative rules changes relating to nursing
17 facility reimbursement and payment procedures made pursuant to
18 2010 Iowa Acts, Senate File 2366, if enacted, for the fiscal
19 year beginning July 1, 2010, and ending June 30, 2011, and
20 to restore the 5 percent reduction made in nursing facility
21 reimbursement in accordance with executive order number 19
22 issued October 8, 2009.

23 2. The costs associated with the implementation of this
24 section shall be funded exclusively through moneys appropriated
25 from the quality assurance trust fund, and shall result in
26 budget neutrality to the general fund of the state for the
27 fiscal year beginning July 1, 2010, and ending June 30, 2011.

28 Sec. 45. IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE
29 TANK FUND. There is appropriated from the Iowa comprehensive
30 petroleum underground storage tank fund created in section
31 455G.3 to the following designated departments for the fiscal
32 year beginning July 1, 2010, and ending June 30, 2011, the
33 following amounts, or so much thereof as is necessary, to be
34 used for the purposes designated, notwithstanding section
35 455G.3, subsection 1:

1 1. To the department of public health for:

2 a. Addictive disorders:

3 \$ 500,000

4 The funds appropriated in this paragraph shall be used for
5 substance abuse treatment and prevention.

6 b. Chronic conditions:

7 \$ 35,000

8 (1) Of the funds appropriated in this paragraph, \$20,000
9 shall be used for grants to individual patients who have
10 phenylketonuria (PKU) to assist with the costs of necessary
11 special foods.

12 (2) Of the funds appropriated in this paragraph \$15,000
13 shall be used for child health specialty clinics.

14 c. Public protection:

15 \$ 100,000

16 Of the funds appropriated in this paragraph, \$100,000 shall
17 be used for the state poison control center.

18 2. To the department of human services for:

19 a. Child and family services:

20 \$ 925,000

21 (1) Of the funds appropriated in this paragraph, \$600,000
22 shall be used for the purposes of juvenile delinquent graduated
23 sanction services.

24 (2) Of the funds appropriated in this paragraph, \$200,000
25 shall be allocated to a county with a population of more than
26 300,000 to be used for continuation of a grant to support
27 child care center services provided to children with mental,
28 physical, or emotional challenges in order for the children to
29 remain in a home or family setting.

30 (3) Of the funds appropriated in this paragraph, \$25,000
31 shall be used for the public purpose of providing a grant to
32 a child welfare services provider headquartered in a county
33 with a population between 189,000 and 196,000 in the latest
34 preceding certified federal census that provides multiple
35 services including but not limited to a psychiatric medical

1 institution for children, shelter, residential treatment, after
2 school programs, school-based programming, and an Asperger's
3 syndrome program, to be used for support services for children
4 with autism spectrum disorder and their families.

5 (4) Of the funds appropriated in this section, \$100,000
6 shall be used for a one-time grant to support startup costs for
7 a child protection center to be operated in a hospital in a
8 county in northeast Iowa with a population between 120,000 and
9 135,000. Population numbers used in this subsection are from
10 the latest preceding certified federal census.

11 b. Family support subsidy:

12 \$ 100,000

13 The funds appropriated in this paragraph shall be used for
14 the family support center component of the comprehensive family
15 support program under section 225C.47.

16 c. Child support recovery:

17 \$ 250,000

18 d. Juvenile institutions:

19 \$ 600,000

20 (1) Of the funds appropriated in this paragraph, \$200,000
21 shall be used for operation of the Iowa juvenile home at
22 Toledo.

23 (2) Of the funds appropriated in this paragraph, \$400,000
24 shall be used for operation of the state training school at
25 Eldora.

26 e. Mental health institutes:

27 \$ 350,000

28 (1) Of the funds appropriated in this paragraph, \$100,000
29 shall be used for the state mental health institute at
30 Cherokee.

31 (2) Of the funds appropriated in this paragraph, \$100,000
32 shall be used for the state mental health institute at
33 Clarinda.

34 (3) Of the funds appropriated in this paragraph, \$100,000
35 shall be used for the state mental health institute at

1 Independence.

2 (4) Of the funds appropriated in this paragraph, \$50,000
3 shall be used for the state mental health institute at Mount
4 Pleasant.

5 f. MI/MR/DD state cases:

6 \$ 1,000,000

7 g. Sexually violent predators:

8 \$ 800,000

9 h. Field operations:

10 \$ 2,340,000

11 Sec. 46. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR
12 FY 2011-2012. Notwithstanding any section 8.33, if moneys
13 appropriated for purposes of the medical assistance program for
14 the fiscal year beginning July 1, 2010, and ending June 30,
15 2011, from the general fund of the state, the senior living
16 trust fund, and the health care trust fund, are in excess of
17 actual expenditures for the medical assistance program and
18 remain unencumbered or unobligated at the close of the fiscal
19 year, the excess moneys shall not revert but shall remain
20 available for expenditure for the purposes of the medical
21 assistance program until the close of the succeeding fiscal
22 year.

23 DIVISION VI

24 MH/MR/DD SERVICES

25 ALLOWED GROWTH FUNDING

26 FY 2010-2011

27 Sec. 47. 2009 Iowa Acts, chapter 179, section 1, is amended
28 to read as follows:

29 SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
30 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND
31 ALLOCATIONS — FISCAL YEAR 2010-2011.

32 ~~±~~ There is appropriated from the general fund of the
33 state to the department of human services for the fiscal year
34 beginning July 1, 2010, and ending June 30, 2011, the following
35 amount, or so much thereof as is necessary, to be used for the

1 purpose designated:

2 For distribution to counties of the county mental health,
3 mental retardation, and developmental disabilities allowed
4 growth factor adjustment for fiscal year 2010-2011 as provided
5 in this section in lieu of the allowed growth factor provisions
6 of section 331.438, subsection 2, and section 331.439,
7 subsection 3, and chapter 426B:

8 \$ ~~62,157,491~~
9 48,697,893

10 ~~2. The amount appropriated in this section shall be~~
11 ~~allocated as provided in a later enactment of the general~~
12 ~~assembly.~~

13 Sec. 48. 2009 Iowa Acts, chapter 179, section 1, as
14 amended by this division of this Act, is amended by adding the
15 following new subsections:

16 NEW SUBSECTION. 1. Of the amount appropriated in this
17 section, \$12,000,000 shall be distributed as provided in this
18 subsection.

19 a. To be eligible to receive a distribution under this
20 subsection, a county must meet the following requirements:

21 (1) The county is levying for the maximum amount allowed
22 for the county's mental health, mental retardation, and
23 developmental disabilities services fund under section 331.424A
24 for taxes due and payable in the fiscal year beginning July 1,
25 2010, or the county is levying for at least 90 percent of the
26 maximum amount allowed for the county's services fund and that
27 levy rate is more than \$2 per \$1,000 of the assessed value of
28 all taxable property in the county.

29 (2) In the fiscal year beginning July 1, 2008, the
30 county's mental health, mental retardation, and developmental
31 disabilities services fund ending balance under generally
32 accepted accounting principles was equal to or less than 15
33 percent of the county's actual gross expenditures for that
34 fiscal year.

35 b. A county's allocation of the amount appropriated in

1 this subsection shall be determined based upon the county's
2 proportion of the general population of the counties eligible
3 to receive an allocation under this subsection. The most
4 recent population estimates issued by the United States bureau
5 of the census shall be applied in determining population for
6 the purposes of this paragraph.

7 c. The allocations made pursuant to this subsection
8 are subject to the distribution provisions and withholding
9 requirements established in this section for the county mental
10 health, mental retardation, and developmental disabilities
11 allowed growth factor adjustment for the fiscal year beginning
12 July 1, 2010.

13 NEW SUBSECTION. 2. The following amount of the funding
14 appropriated in this section is the allowed growth factor
15 adjustment for fiscal year 2010-2011, and shall be credited to
16 the allowed growth funding pool created in the property tax
17 relief fund and for distribution in accordance with section
18 426B.5, subsection 1:

19 \$ 36,551,143

20 NEW SUBSECTION. 3. The following formula amounts shall be
21 utilized only to calculate preliminary distribution amounts for
22 the allowed growth factor adjustment for fiscal year 2010-2011
23 under this section by applying the indicated formula provisions
24 to the formula amounts and producing a preliminary distribution
25 total for each county:

26 a. For calculation of a distribution amount for eligible
27 counties from the allowed growth funding pool created in the
28 property tax relief fund in accordance with the requirements in
29 section 426B.5, subsection 1:

30 \$ 49,626,596

31 b. For calculation of a distribution amount for counties
32 from the mental health and developmental disabilities (MH/DD)
33 community services fund in accordance with the formula provided
34 in the appropriation made for the MH/DD community services fund
35 for the fiscal year beginning July 1, 2010:

1 \$ 14,187,556

2 NEW SUBSECTION. 4. a. After applying the applicable
3 statutory distribution formulas to the amounts indicated in
4 subsection 3 for purposes of producing preliminary distribution
5 totals, the department of human services shall apply a
6 withholding factor to adjust an eligible individual county's
7 preliminary distribution total. In order to be eligible for
8 a distribution under this section, a county must be levying
9 90 percent or more of the maximum amount allowed for the
10 county's mental health, mental retardation, and developmental
11 disabilities services fund under section 331.424A for taxes due
12 and payable in the fiscal year for which the distribution is
13 payable.

14 b. An ending balance percentage for each county shall
15 be determined by expressing the county's ending balance on a
16 modified accrual basis under generally accepted accounting
17 principles for the fiscal year beginning July 1, 2008, in the
18 county's mental health, mental retardation, and developmental
19 disabilities services fund created under section 331.424A, as a
20 percentage of the county's gross expenditures from that fund
21 for that fiscal year. If a county borrowed moneys for purposes
22 of providing services from the county's services fund on or
23 before July 1, 2008, and the county's services fund ending
24 balance for that fiscal year includes the loan proceeds or an
25 amount designated in the county budget to service the loan for
26 the borrowed moneys, those amounts shall not be considered
27 to be part of the county's ending balance for purposes of
28 calculating an ending balance percentage under this subsection.

29 c. For purposes of calculating withholding factors and for
30 ending balance amounts used for other purposes under law, the
31 county ending balances shall be adjusted, using forms developed
32 for this purpose by the county finance committee, to disregard
33 the temporary funding increase provided to the counties for
34 the fiscal year through the federal American Recovery and
35 Reinvestment Act of 2009, Pub. L. No. 111-5. In addition,

1 a county may adjust the ending balance amount by rebating to
2 the department all or a portion of the allowed growth and
3 MH/DD services fund moneys the county received for the fiscal
4 year beginning July 1, 2009, in accordance with 2008 Iowa
5 Acts, chapter 1191, as amended by 2009 Iowa Acts, chapter 182,
6 section 55, or from any other services fund moneys available
7 to the county. The rebate must be remitted to the department
8 on or before June 1, 2010, in order to be counted. The amount
9 rebated by a county shall be subtracted dollar-for-dollar
10 from the county's ending balance amount for the fiscal year
11 beginning July 1, 2008, for purposes of calculating the
12 withholding factor and for other ending balance purposes for
13 the fiscal year beginning July 1, 2010. The rebates received
14 by the department shall be credited to the property tax relief
15 fund and distributed as additional funding for the fiscal
16 year beginning July 1, 2010, in accordance with the formula
17 provisions in this section.

18 d. The withholding factor for a county shall be the
19 following applicable percent:

20 (1) For an ending balance percentage of less than 5
21 percent, a withholding factor of 0 percent. In addition,
22 a county that is subject to this lettered paragraph shall
23 receive an inflation adjustment equal to 3 percent of the gross
24 expenditures reported for the county's services fund for the
25 fiscal year.

26 (2) For an ending balance percentage of 5 percent or more
27 but less than 10 percent, a withholding factor of 0 percent.
28 In addition, a county that is subject to this lettered
29 paragraph shall receive an inflation adjustment equal to 2
30 percent of the gross expenditures reported for the county's
31 services fund for the fiscal year.

32 (3) For an ending balance percentage of 10 percent or more
33 but less than 25 percent, a withholding factor of 25 percent.
34 However, for a county that is subject to this subparagraph, the
35 amount withheld shall be limited to the amount by which the

1 county's ending balance was in excess of the ending balance
2 percentage of 10 percent.

3 (4) For an ending balance percentage of 25 percent or more,
4 a withholding percentage of 100 percent.

5 NEW SUBSECTION. 5. The total withholding amounts applied
6 pursuant to subsection 4 shall be equal to a withholding target
7 amount of \$13,075,453. If the department of human services
8 determines that the amount to be withheld in accordance with
9 subsection 5 is not equal to the target withholding amount,
10 the department shall adjust the withholding factors listed in
11 subsection 5 as necessary to achieve the target withholding
12 amount. However, in making such adjustments to the withholding
13 factors, the department shall strive to minimize changes to
14 the withholding factors for those ending balance percentage
15 ranges that are lower than others and shall not adjust the
16 zero withholding factor or the inflation adjustment percentage
17 specified in subsection 4, paragraph "a".

18 DIVISION VII

19 PRIOR APPROPRIATIONS AND

20 RELATED CHANGES

21 LEAD TRAINING AND

22 CERTIFICATION PROGRAMS

23 Sec. 49. Section 135.105A, subsection 5, Code Supplement
24 2009, is amended to read as follows:

25 5. The department shall adopt rules regarding minimum
26 requirements for lead inspector, lead abater, and lead-safe
27 renovator training programs, certification, work practice
28 standards, and suspension and revocation requirements, and
29 shall implement the training and certification programs. The
30 department shall seek federal funding and shall establish fees
31 in amounts sufficient to defray the cost of the programs.
32 The fees shall be used for any of the department's duties
33 under this division, including but not limited to the costs
34 of full-time equivalent positions for program services and
35 investigations. Fees received shall be considered repayment

1 receipts as defined in section 8.2.

2 CERTIFIED RETIREMENT COMMUNITIES

3 Sec. 50. Section 231.24, subsection 9, Code Supplement
4 2009, is amended to read as follows:

5 9. *Program administration deferral.* ~~If in the fiscal~~
6 ~~year beginning July 1, 2009, the department on aging's~~
7 ~~appropriations or authorized full-time equivalent positions are~~
8 ~~reduced, the~~ The department may defer the implementation of
9 the certified retirement communities program until such time
10 as the department has the resources to administer the program,
11 as determined by the director.

12 AREA AGENCY ON AGING

13 BOARD TRAINING

14 Sec. 51. Section 231.33, subsection 19, Code Supplement
15 2009, is amended by striking the subsection.

16 DEMENTIA TRAINING

17 Sec. 52. 2008 Iowa Acts, chapter 1140, section 3, is amended
18 to read as follows:

19 SEC. 3. IMPLEMENTATION — CONTINGENCY. The department
20 ~~of elder affairs on aging~~ shall implement ~~on or before July~~
21 ~~1, 2010,~~ the initial provisions for expanding and improving
22 training and education of those who regularly deal with persons
23 with Alzheimer's disease and similar forms of irreversible
24 dementia and for providing funding for public awareness efforts
25 and educational efforts in accordance with section 231.62,
26 as enacted by this Act, contingent upon the availability of
27 funding as determined by the director.

28 REGIONAL SERVICE NETWORK

29 PILOT PROJECT

30 Sec. 53. 2008 Iowa Acts, chapter 1187, section 59,
31 subsection 9, paragraph a, is amended to read as follows:

32 a. The department of human services may implement a pilot
33 project for a regional service network established for mental
34 health, mental retardation, and developmental disabilities
35 services paid from the services funds under section 331.424A.

1 The initial term of the pilot project is limited to the
2 ~~two-year~~ period beginning July 1, 2008, and ending June 30,
3 ~~2010~~ 2011.

4 VIETNAM CONFLICT VETERANS
5 BONUS FUND

6 Sec. 54. 2008 Iowa Acts, chapter 1187, section 68, as
7 amended by 2009 Iowa Acts, chapter 182, section 82, is amended
8 to read as follows:

9 Notwithstanding section 8.33, moneys appropriated in this
10 section that remain unencumbered or unobligated at the close of
11 the fiscal year shall not revert but shall remain available for
12 expenditure for the purposes designated until the close of the
13 fiscal year beginning July 1, ~~2009~~ 2010.

14 INJURED VETERANS GRANT PROGRAM

15 Sec. 55. 2008 Iowa Acts, chapter 1187, section 69, as
16 amended by 2009 Iowa Acts, chapter 182, section 83, is amended
17 to read as follows:

18 Notwithstanding section 8.33, moneys appropriated in this
19 subsection that remain unencumbered or unobligated at the close
20 of the fiscal year shall not revert but shall remain available
21 for expenditure for the purposes designated until the close of
22 the fiscal year beginning July 1, ~~2009~~ 2010.

23 HEALTH CARE COVERAGE

24 EXPANSION

25 Sec. 56. 2008 Iowa Acts, chapter 1188, section 16, as
26 amended by 2009 Iowa Acts, chapter 182, section 84, is amended
27 to read as follows:

28 SEC. 16. MEDICAL ASSISTANCE, HAWK-I, AND HAWK-I EXPANSION
29 PROGRAMS — COVERING CHILDREN — APPROPRIATION. There
30 is appropriated from the general fund of the state to the
31 department of human services for the designated fiscal years,
32 the following amounts, or so much thereof as is necessary, for
33 the purpose designated:

34 To cover children as provided in this Act under the medical
35 assistance, hawk-i, and hawk-i expansion programs and outreach

1 under the current structure of the programs:

2	FY 2008-2009	\$ 4,800,000
3	FY 2009-2010	\$ 4,207,001
4	FY 2010-2011	\$ 24,800,000
5		<u>10,049,532</u>

6 PATIENT DECISION

7 MAKING — PILOT PROJECT

8 Sec. 57. 2008 Iowa Acts, chapter 1188, section 36,
9 subsections 1 and 2, are amended to read as follows:

10 1. The department of public health shall establish a
11 ~~two-year~~ community coalition for patient treatment wishes
12 across the health care continuum pilot project, beginning July
13 1, 2008, and ending June 30, ~~2010~~ 2012, in a county with a
14 population of between ~~fifty~~ one hundred seventy-five thousand
15 and ~~one two~~ two hundred twenty-five thousand and in one contiguous
16 rural county. The pilot project shall utilize the process
17 based upon the national physicians orders for life sustaining
18 treatment program initiative, including use of a standardized
19 physician order for scope of treatment form. The process
20 shall require validation of the physician order for scope of
21 treatment form by the signature of an individual other than
22 the patient or the patient's legal representative who is not
23 an employee of the patient's physician. The pilot project may
24 include applicability to chronically ill, frail, and elderly or
25 terminally ill individuals in hospitals licensed pursuant to
26 chapter 135B, nursing facilities or residential care facilities
27 licensed pursuant to chapter 135C, or hospice programs as
28 defined in section 135J.1.

29 2. The department of public health shall convene an
30 advisory council, consisting of representatives of entities
31 with interest in the pilot project, including but not
32 limited to the Iowa hospital association, the Iowa medical
33 society, organizations representing health care facilities,
34 representatives of health care providers, and the Iowa trial
35 lawyers association, to develop recommendations for expanding

1 the pilot project statewide. The advisory council shall report
2 its findings and recommendations, including recommendations
3 for legislation, to the governor and the general assembly by
4 January 1, ~~2010~~ 2012.

5 MEDICAID PROGRAMS — PROCESS
6 REQUIREMENTS

7 Sec. 58. 2009 Iowa Acts, chapter 118, section 38, subsection
8 3, is amended by striking the subsection.

9 GENERAL FUND ADDICTIVE DISORDERS — TOBACCO USE PREVENTION AND
10 CONTROL INITIATIVE

11 Sec. 59. 2009 Iowa Acts, chapter 182, section 2, subsection
12 1, paragraph a, is amended by adding the following new
13 subparagraph:

14 NEW SUBPARAGRAPH. (3) Notwithstanding section 8.33, moneys
15 allocated in this paragraph "a" that remain unencumbered or
16 unobligated at the close of the fiscal year shall not revert
17 but shall remain available for expenditure for the purposes
18 designated until the close of the succeeding fiscal year.

19 IOWA VETERANS HOME

20 Sec. 60. 2009 Iowa Acts, chapter 182, section 3, subsection
21 2, is amended by adding the following new paragraph:

22 NEW PARAGRAPH. d. The funds appropriated in this subsection
23 to the Iowa veterans home that remain available for expenditure
24 for the succeeding fiscal year pursuant to section 35D.18,
25 subsection 5, shall be distributed to be used in the succeeding
26 fiscal year in accordance with this lettered paragraph. The
27 first \$500,000 shall remain available to be used for the
28 purposes of the Iowa veterans home. On or before October 15,
29 2010, the department of management shall transfer not more than
30 \$1,000,000 to the appropriation to the department of human
31 services for field operations. Any remaining funding shall be
32 used for purposes of the Iowa veterans home.

33 TEMPORARY ASSISTANCE FOR NEEDY
34 FAMILIES BLOCK GRANT

35 Sec. 61. 2009 Iowa Acts, chapter 182, section 5, is amended

1 by adding the following new subsection:

2 NEW SUBSECTION. 15. Notwithstanding section 8.33, moneys
3 appropriated in this section that remain unencumbered or
4 unobligated at the close of the fiscal year shall not revert
5 but shall remain available for expenditure for the family
6 investment program until the close of the succeeding fiscal
7 year.

8 BEHAVIORAL HEALTH SERVICES

9 ACCOUNT — MEDICAL ASSISTANCE

10 Sec. 62. 2009 Iowa Acts, chapter 182, section 9, subsection
11 16, paragraph b, is amended to read as follows:

12 b. The department shall continue to maintain a separate
13 account within the medical assistance budget for the deposit
14 of all funds remitted pursuant to a contract with a third
15 party to administer behavioral health services under the
16 medical assistance program established pursuant to 2008 Iowa
17 Acts, chapter 1187, section 9, subsection 20. Notwithstanding
18 section 8.33, other than funds remaining from the appropriation
19 allocations made for implementation of the emergency mental
20 health crisis services and system, for implementation of the
21 mental health services system for children and youth, and
22 for training of child welfare services providers in 2008
23 Iowa Acts, chapter 1187, section 9, subsection 20, paragraph
24 "c", subparagraphs (1), (2), and (6), as authorized in 2009
25 Iowa Acts, chapter 182, section 72, funds remaining in the
26 account that remain unencumbered or unobligated at the end of
27 any the fiscal year shall not revert but shall remain available
28 in succeeding fiscal years and ~~shall be used only in accordance~~
29 ~~with appropriations from the account for health and human~~
30 ~~services-related purposes~~ are appropriated to the department to
31 be used for the medical assistance program.

32 STATE SUPPLEMENTARY

33 ASSISTANCE PROGRAM

34 Sec. 63. 2009 Iowa Acts, chapter 182, section 12, is amended
35 by adding the following new subsection:

1 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys
2 appropriated in this section that remain unencumbered or
3 unobligated at the close of the fiscal year shall remain
4 available for expenditure for the purposes designated until the
5 close of the succeeding fiscal year.

6 NEIGHBORHOOD AFFORDABLE
7 HOUSING — CHILD DEVELOPMENT
8 PROGRAM

9 Sec. 64. 2009 Iowa Acts, chapter 182, section 14, subsection
10 9, is amended by adding the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
12 moneys allocated in this subsection that remain unencumbered or
13 unobligated at the close of the fiscal year shall not revert
14 but shall remain available for expenditure for the purposes
15 designated until expended.

16 IOWACARE

17 Sec. 65. 2009 Iowa Acts, chapter 182, section 48, subsection
18 3, unnumbered paragraph 2 and paragraph "a", are amended to
19 read as follows:

20 For distribution to a publicly owned acute care teaching
21 hospital located in a county with a population over 350,000 for
22 the provision of medical and surgical treatment of indigent
23 patients, for provision of services to members of the expansion
24 population pursuant to chapter 249J, and for medical education:

25 \$ ~~46,000,000~~
26 47,000,000

27 a. Notwithstanding any provision of law to the contrary, the
28 amount appropriated in this subsection shall be allocated in
29 twelve equal monthly payments as provided in section 249J.24.
30 Any amount appropriated in this subsection in excess of
31 ~~\$41,000,000~~ \$45,000,000 shall be distributed only if the sum
32 of the expansion population claims adjudicated and paid by the
33 Iowa Medicaid enterprise plus the estimated disproportionate
34 share hospital payments exceeds \$45,000,000. The amount paid
35 in excess of \$45,000,000 shall not adjust the original monthly

1 payment amount but shall be distributed monthly based on actual
2 claims adjudicated and paid by the Iowa Medicaid enterprise
3 plus the estimated disproportionate share hospital amount. Any
4 amount appropriated in this subsection in excess of \$45,000,000
5 shall be allocated only if federal funds are available to match
6 the amount allocated.

7 HEALTH CARE TRUST FUND ADDICTIVE DISORDERS — TOBACCO USE
8 PREVENTION AND CONTROL INITIATIVE

9 Sec. 66. 2009 Iowa Acts, chapter 182, section 60, subsection
10 1, paragraph b, is amended by adding the following new
11 unnumbered paragraph:

12 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
13 moneys allocated in this paragraph "b" that remain unencumbered
14 or unobligated at the close of the fiscal year shall not revert
15 but shall remain available for expenditure for the purposes
16 designated until the close of the succeeding fiscal year.

17 ADDICTIVE DISORDERS — NONREVERSION

18 Sec. 67. ADDICTIVE DISORDERS NONREVERSION DIRECTIVE. The
19 authority provided in this division of this Act for
20 nonreversion of the appropriations for addictive disorders
21 allocated for the tobacco use prevention and control
22 initiative, as referenced in this section, is limited to
23 \$500,000 and shall be realized by applying the authority to
24 such appropriations in the following order until the limitation
25 amount is reached:

26 1. The allocation made from the general fund of the state
27 in 2009 Iowa Acts, chapter 182, section 60, subsection 1,
28 paragraph "b".

29 2. The allocation made from the health care trust fund in
30 2009 Iowa Acts, chapter 182, section 2, subsection 1, paragraph
31 "a".

32 Sec. 68. 2009 Iowa Acts, chapter 182, section 5A, as enacted
33 by 2010 Iowa Acts, Senate File 2151, section 2, is amended by
34 adding the following new subsection:

35 4. a. (1) To the extent other federal funding is not

1 available for summer youth programs administered by the
2 department of workforce development and provided the match
3 requirement is met through the employment programs, in
4 addition to the amount appropriated in subsection 1, funding is
5 appropriated from the same source and for the same fiscal year
6 addressed in subsection 1, to the department of human services
7 to be used for summer youth employment programs administered
8 by the department of workforce development for the fiscal year
9 beginning July 1, 2009, in accordance with the requirements of
10 this lettered paragraph.

11 (2) The department of human services shall collaborate
12 with the department of workforce development to secure
13 additional federal funds from the emergency contingency fund
14 for the temporary assistance for needy families state program
15 established pursuant to the federal American Recovery and
16 Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101. This
17 collaboration shall be for the express limited purpose of
18 securing emergency contingency funds to subsidize wages
19 paid on behalf of individuals participating in the summer
20 youth employment program administered by the department of
21 workforce development. Subsidized wages shall be eligible for
22 reimbursement under the terms of the federal American Recovery
23 and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, or
24 successor legislation, which may extend the availability of
25 emergency contingency funds. The collaboration between the two
26 agencies shall be formalized through a memorandum of agreement.

27 (3) Federal funds received as the result of this
28 collaboration shall be transferred to the department of
29 workforce development for the sole purpose of covering the
30 costs of wages paid on behalf of individuals participating
31 in the summer youth employment program administered by the
32 department of workforce development. The department of
33 workforce development shall ensure that all expenditures
34 comply with applicable federal requirements and shall be
35 responsible for the repayment of any funds spent in error and

1 any corresponding penalty as well as taking corrective action
2 to address the error. Funds received in excess of the amount
3 of subsidized wages eligible for reimbursement under the terms
4 of the federal American Recovery and Reinvestment Act of 2009,
5 Pub. L. No. 111-5 § 2101, or successor legislation, which may
6 extend the availability of emergency contingency funds, shall
7 be returned by the department of workforce development to
8 the federal government following procedures developed by the
9 federal temporary assistance for needy families agency for that
10 purpose.

11 (4) The department of workforce development shall provide
12 the department of human services with the necessary information
13 to support the request for emergency contingency funds and to
14 report the expenditure of these funds once received pursuant to
15 federal reporting requirements. The responsibilities of both
16 agencies shall be specified in the memorandum of agreement.

17 INTELLECTUAL DISABILITIES WAIVER

18 Sec. 69. INTELLECTUAL DISABILITIES WAIVER — STATEWIDE
19 METHODOLOGY. In administering the medical assistance home
20 and community-based services intellectual disability waiver,
21 the total number of openings at any one time shall be limited
22 to the number approved for the waiver by the secretary of the
23 United States department of health and human services and
24 available funding. Beginning July 1, 2010, the department
25 shall implement a statewide method of allocating waiver slots
26 and shall design a methodology for prioritizing the allocation
27 of slots, subject to federal approval. The department
28 shall convene a workgroup to develop criteria to prioritize
29 individuals on the waiting list, subject to federal approval.

30 Sec. 70. EFFECTIVE UPON ENACTMENT AND APPLICABILITY.

31 1. This division of this Act, being deemed of immediate
32 importance, takes effect upon enactment.

33 2. The section of this division of this Act amending section
34 135.105A applies to any fees collected pursuant to section
35 135.105A during or after the fiscal year beginning July 1,

1 2009.

2 DIVISION VIII

3 INTERSTATE COMPACT FOR JUVENILES

4 Sec. 71. Section 232.2, subsection 29, Code Supplement
5 2009, is amended to read as follows:

6 29. "*Juvenile*" means the same as "*child*". However, in
7 the interstate compact ~~on~~ for juveniles, ~~sections 232.171 and~~
8 ~~232.172~~ section 232.173, "*juvenile*" means a person defined as a
9 juvenile in ~~the law of a state which is a party to~~ the compact.

10 Sec. 72. Section 232.172, Code 2009, is amended to read as
11 follows:

12 **232.172 Confinement of delinquent juvenile.**

13 1. For a juvenile under the jurisdiction of this state
14 who is subject to the interstate compact for juveniles
15 under section 232.173, the confinement of the juvenile in an
16 institution located within another compacting state shall be
17 as provided under the compact.

18 2. This subsection applies to the confinement of a
19 delinquent juvenile under the jurisdiction of this state in an
20 institution located within a noncompacting state, as defined
21 in section 232.173, that entered into the interstate compact
22 on juveniles under section 232.171, Code 2009. In addition
23 to any institution in which the authorities of this state may
24 otherwise confine or order the confinement of a the delinquent
25 juvenile, such authorities may, pursuant to the out-of-state
26 confinement amendment to the interstate compact on juveniles in
27 section 232.171, Code 2009, confine or order the confinement
28 of a the delinquent juvenile in a compact institution within
29 another party state.

30 Sec. 73. NEW SECTION. **232.173 Interstate compact for**
31 **juveniles.**

32 **1. Article I — Purpose.**

33 **a.** The compacting states to this interstate compact
34 recognize that each state is responsible for the proper
35 supervision or return of juveniles, delinquents, and status

1 offenders who are on probation or parole and who have
2 absconded, escaped, or run away from supervision and control
3 and in so doing have endangered their own safety and the safety
4 of others. The compacting states also recognize that each
5 state is responsible for the safe return of juveniles who have
6 run away from home and in doing so have left their state of
7 residence. The compacting states also recognize that Congress,
8 by enacting the Crime Control Act, 4 U.S.C. § 112 (1965), has
9 authorized and encouraged compacts for cooperative efforts and
10 mutual assistance in the prevention of crime.

11 *b.* It is the purpose of this compact, through means of joint
12 and cooperative action among the compacting states to:

13 (1) Ensure that the adjudicated juveniles and status
14 offenders subject to this compact are provided adequate
15 supervision and services in the receiving state as ordered
16 by the adjudicating judge or parole authority in the sending
17 state.

18 (2) Ensure that the public safety interests of the citizens,
19 including the victims of juvenile offenders, in both the
20 sending and receiving states are adequately protected.

21 (3) Return juveniles who have run away, absconded, or
22 escaped from supervision or control or have been accused of an
23 offense to the state requesting their return.

24 (4) Make contracts for the cooperative institutionalization
25 in public facilities in member states for delinquent youth
26 needing special services.

27 (5) Provide for the effective tracking and supervision of
28 juveniles.

29 (6) Equitably allocate the costs, benefits, and obligations
30 of the compacting states.

31 (7) Establish procedures to manage the movement between
32 states of juvenile offenders released to the community under
33 the jurisdiction of courts, juvenile departments, or any other
34 criminal or juvenile justice agency which has jurisdiction over
35 juvenile offenders.

1 (8) Insure immediate notice to jurisdictions where defined
2 offenders are authorized to travel or to relocate across state
3 lines.

4 (9) Establish procedures to resolve pending charges
5 (detainers) against juvenile offenders prior to transfer or
6 release to the community under the terms of this compact.

7 (10) Establish a system of uniform data collection on
8 information pertaining to juveniles subject to this compact
9 that allows access by authorized juvenile justice and criminal
10 justice officials, and regular reporting of compact activities
11 to heads of state executive, judicial, and legislative branches
12 and juvenile and criminal justice administrators.

13 (11) Monitor compliance with rules governing interstate
14 movement of juveniles and initiate interventions to address and
15 correct noncompliance.

16 (12) Coordinate training and education regarding the
17 regulation of interstate movement of juveniles for officials
18 involved in such activity.

19 (13) Coordinate the implementation and operation of
20 the compact with the interstate compact for the placement
21 of children, the interstate compact for adult offender
22 supervision, and other compacts affecting juveniles
23 particularly in those cases where concurrent or overlapping
24 supervision issues arise.

25 *c.* It is the policy of the compacting states that the
26 activities conducted by the interstate commission created in
27 this compact are the formation of public policies and therefore
28 are public business. Furthermore, the compacting states shall
29 cooperate and observe their individual and collective duties
30 and responsibilities for the prompt return and acceptance of
31 juveniles subject to the provisions of this compact. The
32 provisions of this compact shall be reasonably and liberally
33 construed to accomplish the purposes and policies of the
34 compact.

35 2. *Article II — Definitions.* As used in this compact,

1 unless the context clearly requires a different construction:

2 *a.* "Bylaws" means those bylaws established by the interstate
3 commission for its governance, or for directing or controlling
4 its actions or conduct.

5 *b.* "Compact administrator" means the individual in each
6 compacting state appointed pursuant to the terms of this
7 compact, responsible for the administration and management of
8 the state's supervision and transfer of juveniles subject to
9 the terms of this compact, the rules adopted by the interstate
10 commission, and policies adopted by the state council under
11 this compact.

12 *c.* "Compacting state" means any state which has enacted the
13 enabling legislation for this compact.

14 *d.* "Commissioner" means the voting representative of each
15 compacting state appointed pursuant to article III of this
16 compact.

17 *e.* "Court" means any court having jurisdiction over
18 delinquent, neglected, or dependent children.

19 *f.* "Deputy compact administrator" means the individual,
20 if any, in each compacting state appointed to act on behalf
21 of a compact administrator pursuant to the terms of this
22 compact responsible for the administration and management of
23 the state's supervision and transfer of juveniles subject to
24 the terms of this compact, the rules adopted by the interstate
25 commission, and policies adopted by the state council under
26 this compact.

27 *g.* "Interstate commission" means the interstate commission
28 for juveniles created by article III of this compact.

29 *h.* "Juvenile" means any person defined as a juvenile in
30 any member state or by the rules of the interstate commission,
31 including persons who are any of the following:

32 (1) An accused delinquent, meaning a person charged with
33 an offense that, if committed by an adult, would be a criminal
34 offense.

35 (2) An adjudicated delinquent, meaning a person found to

1 have committed an offense that, if committed by an adult, would
2 be a criminal offense.

3 (3) An accused status offender, meaning a person charged
4 with an offense that would not be a criminal offense if
5 committed by an adult.

6 (4) An adjudicated status offender, meaning a person found
7 to have committed an offense that would not be a criminal
8 offense if committed by an adult.

9 (5) A nonoffender, meaning a person in need of supervision
10 who has not been accused or adjudicated a status offender or
11 delinquent.

12 *i. "Noncompacting state"* means any state which has not
13 enacted the enabling legislation for this compact.

14 *j. "Probation or parole"* means any kind of supervision or
15 conditional release of juveniles authorized under the laws of
16 the compacting states.

17 *k. "Rule"* means a written statement by the interstate
18 commission promulgated pursuant to article VI of this compact
19 that is of general applicability, implements, interprets
20 or prescribes a policy or provision of the compact, or an
21 organizational, procedural, or practice requirement of the
22 commission, and has the force and effect of statutory law in
23 a compacting state, and includes the amendment, repeal, or
24 suspension of an existing rule.

25 *l. "State"* means a state of the United States, the District
26 of Columbia or its designee, the Commonwealth of Puerto Rico,
27 the United States Virgin Islands, Guam, American Samoa, and the
28 Northern Marianas Islands.

29 *3. Article III — Interstate commission for juveniles.*

30 *a.* The compacting states hereby create the interstate
31 commission for juveniles. The commission shall be a body
32 corporate and joint agency of the compacting states. The
33 commission shall have all the responsibilities, powers, and
34 duties set forth in this compact, and such additional powers as
35 may be conferred upon it by subsequent action of the respective

1 legislatures of the compacting states in accordance with the
2 terms of this compact.

3 *b.* The interstate commission shall consist of commissioners
4 appointed by the appropriate appointing authority in
5 each state pursuant to the rules and requirements of each
6 compacting state and in consultation with the state council for
7 interstate juvenile supervision created in this compact. The
8 commissioner shall be the compact administrator, deputy compact
9 administrator, or designee from that state who shall serve on
10 the interstate commission in such capacity under or pursuant to
11 the applicable law of the compacting state.

12 *c.* In addition to the commissioners who are the voting
13 representatives of each state, the interstate commission shall
14 include individuals who are not commissioners, but who are
15 members of interested organizations. Such noncommissioner
16 members must include a member of the national organizations
17 of governors, legislators, state chief justices, attorneys
18 general, interstate compact for adult offender supervision,
19 interstate compact for the placement of children, juvenile
20 justice and juvenile corrections officials, and crime victims.
21 All noncommissioner members of the interstate commission
22 shall be ex officio, nonvoting members. The interstate
23 commission may provide in its bylaws for such additional ex
24 officio, nonvoting members, including members of other national
25 organizations, in such numbers as shall be determined by the
26 commission.

27 *d.* Each compacting state represented at any meeting of
28 the commission is entitled to one vote. A majority of the
29 compacting states shall constitute a quorum for the transaction
30 of business, unless a larger quorum is required by the bylaws
31 of the interstate commission.

32 *e.* The commission shall meet at least once each calendar
33 year. The chairperson may call additional meetings and, upon
34 the request of a simple majority of the compacting states,
35 shall call additional meetings. Public notice shall be given

1 of all meetings and meetings shall be open to the public.

2 *f.* The interstate commission shall establish an executive
3 committee, which shall include commission officers, members,
4 and others as determined by the bylaws. The executive
5 committee shall have the power to act on behalf of the
6 interstate commission during periods when the interstate
7 commission is not in session, with the exception of rulemaking
8 or amendment to the compact. The executive committee shall
9 oversee the day-to-day activities of the administration of
10 the compact managed by an executive director and interstate
11 commission staff; administer enforcement and compliance
12 with the provisions of the compact, its bylaws, and rules;
13 and perform such other duties as directed by the interstate
14 commission or set forth in the bylaws.

15 *g.* Each member of the interstate commission shall have
16 the right and power to cast a vote to which that compacting
17 state is entitled and to participate in the business and
18 affairs of the interstate commission. A member shall vote in
19 person and shall not delegate a vote to another compacting
20 state. However, a commissioner, in consultation with the state
21 council, shall appoint another authorized representative, in
22 the absence of the commissioner from that state, to cast a vote
23 on behalf of the compacting state at a specified meeting. The
24 bylaws may provide for members' participation in meetings by
25 telephone or other means of telecommunication or electronic
26 communication.

27 *h.* The interstate commission's bylaws shall establish
28 conditions and procedures under which the interstate commission
29 shall make its information and official records available
30 to the public for inspection or copying. The interstate
31 commission may exempt from disclosure any information or
32 official records to the extent they would adversely affect
33 personal privacy rights or proprietary interests.

34 *i.* Public notice shall be given of all meetings and all
35 meetings shall be open to the public, except as set forth

1 in the rules or as otherwise provided in the compact. The
2 interstate commission and any of its committees may close a
3 meeting to the public where it determines by two-thirds vote
4 that an open meeting would be likely to:

5 (1) Relate solely to the interstate commission's internal
6 personnel practices and procedures.

7 (2) Disclose matters specifically exempted from disclosure
8 by statute.

9 (3) Disclose trade secrets or commercial or financial
10 information which is privileged or confidential.

11 (4) Involve accusing any person of a crime, or formally
12 censuring any person.

13 (5) Disclose information of a personal nature where
14 disclosure would constitute a clearly unwarranted invasion of
15 personal privacy.

16 (6) Disclose investigative records compiled for law
17 enforcement purposes.

18 (7) Disclose information contained in or related to an
19 examination or operating or condition reports prepared by, or
20 on behalf of or for the use of, the interstate commission with
21 respect to a regulated person or entity for the purpose of
22 regulation or supervision of such person or entity.

23 (8) Disclose information, the premature disclosure of which
24 would significantly endanger the stability of a regulated
25 person or entity.

26 (9) Specifically relate to the interstate commission's
27 issuance of a subpoena, or its participation in a civil action
28 or other legal proceeding.

29 *j.* For every meeting closed pursuant to this provision, the
30 interstate commission's legal counsel shall publicly certify
31 that, in the legal counsel's opinion, the meeting may be closed
32 to the public, and shall reference each relevant exemptive
33 provision. The interstate commission shall keep minutes
34 which shall fully and clearly describe all matters discussed
35 in any meeting and shall provide a full and accurate summary

1 of any actions taken, and the reasons therefore, including a
2 description of each of the views expressed on any item and the
3 record of any roll call vote, reflected in the vote of each
4 member on the question. All documents considered in connection
5 with any action shall be identified in such minutes.

6 *k.* The interstate commission shall collect standardized data
7 concerning the interstate movement of juveniles as directed
8 through its rules which shall specify the data to be collected,
9 the means of collection, and data exchange and reporting
10 requirements. Such methods of data collection, exchange, and
11 reporting shall insofar as is reasonably possible conform to
12 up-to-date technology and coordinate its information functions
13 with the appropriate repository of records.

14 4. *Article IV — Powers and duties of the interstate*
15 *commission.* The commission shall have the following powers and
16 duties:

17 *a.* To provide for dispute resolution among compacting
18 states.

19 *b.* To promulgate rules to effect the purposes and
20 obligations as enumerated in this compact, which shall have the
21 force and effect of statutory law and shall be binding in the
22 compacting states to the extent and in the manner provided in
23 this compact.

24 *c.* To oversee, supervise, and coordinate the interstate
25 movement of juveniles subject to the terms of this compact and
26 any bylaws adopted and rules promulgated by the interstate
27 commission.

28 *d.* To enforce compliance with the compact provisions, the
29 rules promulgated by the interstate commission, and the bylaws,
30 using all necessary and proper means, including but not limited
31 to the use of judicial process.

32 *e.* To establish and maintain offices which shall be located
33 within one or more of the compacting states.

34 *f.* To purchase and maintain insurance and bonds.

35 *g.* To borrow, accept, hire, or contract for services of

1 personnel.

2 *h.* To establish and appoint committees and hire staff
3 which it deems necessary for the carrying out of its functions
4 including but not limited to an executive committee as required
5 by article III which shall have the power to act on behalf of
6 the interstate commission in carrying out its powers and duties
7 hereunder.

8 *i.* To elect or appoint such officers, attorneys, employees,
9 agents, or consultants, and to fix their compensation, define
10 their duties and determine their qualifications; and to
11 establish the interstate commission's personnel policies and
12 programs relating to, inter alia, conflicts of interest, rates
13 of compensation, and qualifications of personnel.

14 *j.* To accept any and all donations and grants of money,
15 equipment, supplies, materials, and services, and to receive,
16 utilize, and dispose of it.

17 *k.* To lease, purchase, accept contributions or donations of,
18 or otherwise to own, hold, improve, or use any property, real,
19 personal, or mixed.

20 *l.* To sell, convey, mortgage, pledge, lease, exchange,
21 abandon, or otherwise dispose of any property, real, personal,
22 or mixed.

23 *m.* To establish a budget and make expenditures and levy
24 dues as provided in article VIII of this compact.

25 *n.* To sue and be sued.

26 *o.* To adopt a seal and bylaws governing the management and
27 operation of the interstate commission.

28 *p.* To perform such functions as may be necessary or
29 appropriate to achieve the purposes of this compact.

30 *q.* To report annually to the legislatures, governors,
31 judiciary, and state councils of the compacting states
32 concerning the activities of the interstate commission during
33 the preceding year. Such reports shall also include any
34 recommendations that may have been adopted by the interstate
35 commission.

1 *r.* To coordinate education, training, and public awareness
2 regarding the interstate movement of juveniles for officials
3 involved in such activity.

4 *s.* To establish uniform standards of the reporting,
5 collecting, and exchanging of data.

6 *t.* The interstate commission shall maintain its corporate
7 books and records in accordance with the bylaws.

8 5. *Article V — Organization and operation of the interstate*
9 *commission.*

10 *a. Bylaws.* The interstate commission shall, by a majority
11 of the members present and voting, within twelve months after
12 the first interstate commission meeting, adopt bylaws to govern
13 its conduct as may be necessary or appropriate to carry out the
14 purposes of the compact, including but not limited to all of
15 the following:

16 (1) Establishing the fiscal year of the interstate
17 commission.

18 (2) Establishing an executive committee and such other
19 committees as may be necessary.

20 (3) Provide for the establishment of committees governing
21 any general or specific delegation of any authority or function
22 of the interstate commission.

23 (4) Providing reasonable procedures for calling and
24 conducting meetings of the interstate commission and ensuring
25 reasonable notice of each such meeting.

26 (5) Establishing the titles and responsibilities of the
27 officers of the interstate commission.

28 (6) Providing a mechanism for concluding the operations of
29 the interstate commission and the return of any surplus funds
30 that may exist upon the termination of the compact after the
31 payment or reserving of all of its debts and obligations.

32 (7) Providing "start-up" rules for initial administration
33 of the compact.

34 (8) Establishing standards and procedures for compliance
35 and technical assistance in carrying out the compact.

1 *b. Officers and staff.*

2 (1) The interstate commission shall, by a majority of the
3 members, elect annually from among its members a chairperson
4 and a vice chairperson, each of whom shall have such authority
5 and duties as may be specified in the bylaws. The chairperson
6 or, in the chairperson's absence or disability, the vice
7 chairperson shall preside at all meetings of the interstate
8 commission. The officers so elected shall serve without
9 compensation or remuneration from the interstate commission;
10 provided that, subject to the availability of budgeted funds,
11 the officers shall be reimbursed for any ordinary and necessary
12 costs and expenses incurred by them in the performance of their
13 duties and responsibilities as officers of the interstate
14 commission.

15 (2) The interstate commission shall, through its executive
16 committee, appoint or retain an executive director for
17 such period, upon such terms and conditions and for such
18 compensation as the interstate commission may deem appropriate.
19 The executive director shall serve as secretary to the
20 interstate commission, but shall not be a member and shall hire
21 and supervise such other staff as may be authorized by the
22 interstate commission.

23 *c. Immunity, defense, and indemnification.*

24 (1) The commission's executive director and employees shall
25 be immune from suit and liability, either personally or in
26 their official capacity, for any claim for damage to or loss
27 of property or personal injury or other civil liability caused
28 or arising out of or relating to any actual or alleged act,
29 error, or omission that occurred, or that such person had a
30 reasonable basis for believing occurred within the scope of
31 commission employment, duties, or responsibilities; provided,
32 that any such person shall not be protected from suit or
33 liability for any damage, loss, injury, or liability caused by
34 the intentional or willful and wanton misconduct of any such
35 person.

1 (2) The liability of any commissioner, or the employee
2 or agent of a commissioner, acting within the scope of such
3 person's employment or duties for acts, errors, or omissions
4 occurring within such person's state may not exceed the limits
5 of liability set forth under the constitution and laws of that
6 state for state officials, employees, and agents. Nothing
7 in this subparagraph shall be construed to protect any such
8 person from suit or liability for any damage, loss, injury,
9 or liability caused by the intentional or willful and wanton
10 misconduct of any such person.

11 (3) The interstate commission shall defend the executive
12 director or the employees or representatives of the interstate
13 commission and, subject to the approval of the attorney general
14 of the state represented by any commissioner of a compacting
15 state, shall defend such commissioner or the commissioner's
16 representatives or employees in any civil action seeking to
17 impose liability arising out of any actual or alleged act,
18 error, or omission that occurred within the scope of interstate
19 commission employment, duties, or responsibilities, or that
20 the defendant had a reasonable basis for believing occurred
21 within the scope of interstate commission employment, duties,
22 or responsibilities, provided that the actual or alleged act,
23 error, or omission did not result from intentional or willful
24 and wanton misconduct on the part of such person.

25 (4) The interstate commission shall indemnify and hold
26 the commissioner of a compacting state, or the commissioner's
27 representatives or employees, or the interstate commission's
28 representatives or employees, harmless in the amount of any
29 settlement or judgment obtained against such persons arising
30 out of any actual or alleged act, error, or omission that
31 occurred within the scope of interstate commission employment,
32 duties, or responsibilities, or that such persons had a
33 reasonable basis for believing occurred within the scope of
34 interstate commission employment, duties, or responsibilities,
35 provided that the actual or alleged act, error, or omission did

1 not result from intentional or willful and wanton misconduct on
2 the part of such persons.

3 6. *Article VI — Rulemaking functions of the interstate*
4 *commission.*

5 a. The interstate commission shall promulgate and publish
6 rules in order to effectively and efficiently achieve the
7 purposes of the compact.

8 b. Rulemaking shall occur pursuant to the criteria set
9 forth in this article and the bylaws and rules adopted pursuant
10 thereto. Such rulemaking shall substantially conform to the
11 principles of the model state administrative procedures Act,
12 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or
13 such other administrative procedures act, as the interstate
14 commission deems appropriate consistent with due process
15 requirements under the Constitution of the United States as now
16 or hereafter interpreted by the United States supreme court.
17 All rules and amendments shall become binding as of the date
18 specified, as published with the final version of the rule as
19 approved by the commission.

20 c. When promulgating a rule, the interstate commission
21 shall, at a minimum, do all of the following:

22 (1) Publish the proposed rule's entire text stating the
23 reasons for that proposed rule.

24 (2) Allow and invite any and all persons to submit written
25 data, facts, opinions, and arguments, which information shall
26 be added to the record, and be made publicly available.

27 (3) Provide an opportunity for an informal hearing if
28 petitioned by ten or more persons.

29 (4) Promulgate a final rule and its effective date, if
30 appropriate, based on input from state or local officials, or
31 interested parties.

32 d. Allow, not later than sixty days after a rule is
33 promulgated, any interested person to file a petition in the
34 United States district court for the District of Columbia or in
35 the federal district court where the interstate commission's

1 principal office is located for judicial review of such rule.
2 If the court finds that the interstate commission's action is
3 not supported by substantial evidence in the rulemaking record,
4 the court shall hold the rule unlawful and set it aside. For
5 purposes of this lettered paragraph, evidence is substantial
6 if it would be considered substantial evidence under the model
7 state administrative procedures Act.

8 e. If a majority of the legislatures of the compacting
9 states rejects a rule, those states may, by enactment of a
10 statute or resolution in the same manner used to adopt the
11 compact, cause that such rule shall have no further force and
12 effect in any compacting state.

13 f. The existing rules governing the operation of the
14 interstate compact on juveniles superseded by this compact
15 shall be null and void twelve months after the first meeting of
16 the interstate commission created hereunder.

17 g. Upon determination by the interstate commission that
18 a state of emergency exists, it may promulgate an emergency
19 rule which shall become effective immediately upon adoption,
20 provided that the usual rulemaking procedures provided
21 hereunder shall be retroactively applied to said rule as soon
22 as reasonably possible, but no later than ninety days after the
23 effective date of the emergency rule.

24 7. *Article VII — Oversight, enforcement, and dispute*
25 *resolution by the interstate commission.*

26 a. *Oversight.*

27 (1) The interstate commission shall oversee the
28 administration and operations of the interstate movement of
29 juveniles subject to this compact in the compacting states
30 and shall monitor such activities being administered in
31 noncompacting states which may significantly affect compacting
32 states.

33 (2) The courts and executive agencies in each compacting
34 state shall enforce this compact and shall take all actions
35 necessary and appropriate to effectuate the compact's

1 purposes and intent. The provisions of this compact and the
2 rules promulgated hereunder shall be received by all the
3 judges, public officers, commissions, and departments of
4 the state government as evidence of the authorized statute
5 and administrative rules. All courts shall take judicial
6 notice of the compact and the rules. In any judicial or
7 administrative proceeding in a compacting state pertaining to
8 the subject matter of this compact which may affect the powers,
9 responsibilities, or actions of the interstate commission, it
10 shall be entitled to receive all service of process in any
11 such proceeding, and shall have standing to intervene in the
12 proceeding for all purposes.

13 *b. Dispute resolution.*

14 (1) The compacting states shall report to the interstate
15 commission on all issues and activities necessary for the
16 administration of the compact as well as issues and activities
17 pertaining to compliance with the provisions of the compact and
18 its bylaws and rules.

19 (2) The interstate commission shall attempt, upon the
20 request of a compacting state, to resolve any disputes or
21 other issues which are subject to the compact and which may
22 arise among compacting states and between compacting and
23 noncompacting states. The commission shall promulgate a rule
24 providing for both mediation and binding dispute resolution for
25 disputes among the compacting states.

26 (3) The interstate commission, in the reasonable exercise
27 of its discretion, shall enforce the provisions and rules of
28 this compact using any or all means set forth in article XI of
29 this compact.

30 *8. Article VIII — Finance.*

31 *a.* The interstate commission shall pay or provide for
32 the payment of the reasonable expenses of its establishment,
33 organization, and ongoing activities.

34 *b.* The interstate commission shall levy on and collect an
35 annual assessment from each compacting state to cover the cost

1 of the internal operations and activities of the interstate
2 commission and its staff which must be in a total amount
3 sufficient to cover the interstate commission's annual budget
4 as approved each year. The aggregate annual assessment amount
5 shall be allocated based upon a formula to be determined by the
6 interstate commission, taking into consideration the population
7 of each compacting state and the volume of interstate movement
8 of juveniles in each compacting state and shall promulgate a
9 rule binding upon all compacting states which governs said
10 assessment.

11 c. The interstate commission shall not incur any obligations
12 of any kind prior to securing the funds adequate to meet the
13 same; nor shall the interstate commission pledge the credit of
14 any of the compacting states, except by and with the authority
15 of the compacting state.

16 d. The interstate commission shall keep accurate accounts of
17 all receipts and disbursements. The receipts and disbursements
18 of the interstate commission shall be subject to the audit
19 and accounting procedures established under its bylaws.
20 However, all receipts and disbursements of funds handled by the
21 interstate commission shall be audited yearly by a certified or
22 licensed public accountant and the report of the audit shall
23 be included in and become part of the annual report of the
24 interstate commission.

25 9. *Article IX — The state council.* Each member state shall
26 create a state council for interstate juvenile supervision.
27 While each state may determine the membership of its own
28 state council, its membership must include at least one
29 representative from the legislative, judicial, and executive
30 branches of government, victims groups, and the compact
31 administrator, deputy compact administrator, or designee.
32 Each compacting state retains the right to determine the
33 qualifications of the compact administrator or deputy compact
34 administrator. Each state council will advise and may exercise
35 oversight and advocacy concerning that state's participation

1 in interstate commission activities and other duties as may
2 be determined by that state, including but not limited to
3 development of policy concerning operations and procedures of
4 the compact within that state.

5 10. *Article X — Compacting states, effective date, and*
6 *amendment.*

7 *a.* Any state, the District of Columbia, or its designee, the
8 Commonwealth of Puerto Rico, the United States Virgin Islands,
9 Guam, American Samoa, and the Northern Marianas Islands as
10 defined in article II of this compact is eligible to become a
11 compacting state.

12 *b.* The compact shall become effective and binding upon
13 legislative enactment of the compact into law by no less than
14 thirty-five of the states. The initial effective date shall
15 be the later of July 1, 2004, or upon enactment into law by
16 the thirty-fifth jurisdiction. Thereafter it shall become
17 effective and binding as to any other compacting state upon
18 enactment of the compact into law by that state. The governors
19 of nonmember states or their designees shall be invited to
20 participate in the activities of the interstate commission on a
21 nonvoting basis prior to adoption of the compact by all states
22 and territories of the United States.

23 *c.* The interstate commission may propose amendments to the
24 compact for enactment by the compacting states. No amendment
25 shall become effective and binding upon the interstate
26 commission and the compacting states unless and until it is
27 enacted into law by unanimous consent of the compacting states.

28 11. *Article XI — Withdrawal, default, termination, and*
29 *judicial enforcement.*

30 *a. Withdrawal.*

31 (1) Once effective, the compact shall continue in force and
32 remain binding upon each and every compacting state; provided
33 that a compacting state may withdraw from the compact by
34 specifically repealing the statute which enacted the compact
35 into law.

1 (2) The effective date of withdrawal is the effective date
2 of the repeal.

3 (3) The withdrawing state shall immediately notify the
4 chairperson of the interstate commission in writing upon the
5 introduction of legislation repealing this compact in the
6 withdrawing state. The interstate commission shall notify the
7 other compacting states of the withdrawing state's intent to
8 withdraw within sixty days of its receipt thereof.

9 (4) The withdrawing state is responsible for all
10 assessments, obligations, and liabilities incurred through
11 the effective date of withdrawal, including any obligations,
12 the performance of which extend beyond the effective date of
13 withdrawal.

14 (5) Reinstatement following withdrawal of any compacting
15 state shall occur upon the withdrawing state reenacting the
16 compact or upon such later date as determined by the interstate
17 commission.

18 *b. Technical assistance, fines, suspension, termination, and*
19 *default.*

20 (1) If the interstate commission determines that any
21 compacting state has at any time defaulted in the performance
22 of any of its obligations or responsibilities under this
23 compact, or the bylaws or duly promulgated rules, the
24 interstate commission may impose any or all of the following
25 penalties:

26 (a) Remedial training and technical assistance as directed
27 by the interstate commission.

28 (b) Alternative dispute resolution.

29 (c) Fines, fees, and costs in such amounts as are deemed to
30 be reasonable as fixed by the interstate commission.

31 (d) Suspension or termination of membership in the compact,
32 which shall be imposed only after all other reasonable
33 means of securing compliance under the bylaws and rules have
34 been exhausted and the interstate commission has therefore
35 determined that the offending state is in default. Immediate

1 notice of suspension shall be given by the interstate
2 commission to the governor, the chief justice or the chief
3 judicial officer of the state, the majority and minority
4 leaders of the defaulting state's legislature, and the state
5 council.

6 (2) The grounds for default include, but are not limited to,
7 failure of a compacting state to perform such obligations or
8 responsibilities imposed upon it by this compact, the bylaws
9 or duly promulgated rules, and any other grounds designated in
10 commission bylaws and rules.

11 (3) The interstate commission shall immediately notify
12 the defaulting state in writing of the penalty imposed by the
13 interstate commission and of the default pending a cure of
14 the default. The commission shall stipulate the conditions
15 and the time period within which the defaulting state must
16 cure its default. If the defaulting state fails to cure the
17 default within the time period specified by the commission,
18 the defaulting state shall be terminated from the compact upon
19 an affirmative vote of a majority of the compacting states and
20 all rights, privileges, and benefits conferred by this compact
21 shall be terminated from the effective date of termination.

22 (4) Within sixty days of the effective date of termination
23 of a defaulting state, the commission shall notify the
24 governor, the chief justice or chief judicial officer, the
25 majority and minority leaders of the defaulting state's
26 legislature, and the state council of such termination.

27 (5) The defaulting state is responsible for all
28 assessments, obligations, and liabilities incurred through
29 the effective date of termination including any obligations,
30 the performance of which extends beyond the effective date of
31 termination.

32 (6) The interstate commission shall not bear any costs
33 relating to the defaulting state unless otherwise mutually
34 agreed upon in writing between the interstate commission and
35 the defaulting state.

1 (7) Reinstatement following termination of any compacting
2 state requires both a reenactment of the compact by the
3 defaulting state and the approval of the interstate commission
4 pursuant to the rules.

5 *c. Judicial enforcement.* The interstate commission may,
6 by majority vote of the members, initiate legal action in the
7 United States district court for the District of Columbia or,
8 at the discretion of the interstate commission, in the federal
9 district where the interstate commission has its offices, to
10 enforce compliance with the provisions of the compact, its duly
11 promulgated rules and bylaws, against any compacting state in
12 default. In the event judicial enforcement is necessary the
13 prevailing party shall be awarded all costs of such litigation
14 including reasonable attorney fees.

15 *d. Dissolution of compact.*

16 (1) The compact dissolves effective upon the date of the
17 withdrawal or default of the compacting state, which reduces
18 membership in the compact to one compacting state.

19 (2) Upon the dissolution of this compact, the compact
20 becomes null and void and shall be of no further force
21 or effect, and the business and affairs of the interstate
22 commission shall be concluded and any surplus funds shall be
23 distributed in accordance with the bylaws.

24 12. *Article XII — Severability and construction.*

25 *a.* The provisions of this compact shall be severable,
26 and if any phrase, clause, sentence, or provision is deemed
27 unenforceable, the remaining provisions of the compact shall
28 be enforceable.

29 *b.* The provisions of this compact shall be liberally
30 construed to effectuate its purposes.

31 13. *Article XIII — Binding effect of compact and other laws.*

32 *a. Other laws.*

33 (1) Nothing in this compact prevents the enforcement of any
34 other law of a compacting state that is not inconsistent with
35 this compact.

1 (2) All compacting states' laws other than state
2 constitutions and other interstate compacts conflicting with
3 this compact are superseded to the extent of the conflict.

4 *b. Binding effect of the compact.*

5 (1) All lawful actions of the interstate commission,
6 including all rules and bylaws promulgated by the interstate
7 commission, are binding upon the compacting states.

8 (2) All agreements between the interstate commission and
9 the compacting states are binding in accordance with their
10 terms.

11 (3) Upon the request of a party to a conflict over meaning
12 or interpretation of interstate commission actions, and upon
13 a majority vote of the compacting states, the interstate
14 commission may issue advisory opinions regarding such meaning
15 or interpretation.

16 (4) In the event any provision of this compact exceeds
17 the constitutional limits imposed on the legislature of
18 any compacting state, the obligations, duties, powers, or
19 jurisdiction sought to be conferred by such provision upon
20 the interstate commission shall be ineffective and such
21 obligations, duties, powers, or jurisdiction shall remain in
22 the compacting state and shall be exercised by the agency
23 thereof to which such obligations, duties, powers, or
24 jurisdiction are delegated by law in effect at the time this
25 compact becomes effective.

26 DIVISION IX

27 MISCELLANEOUS

28 Sec. 74. Section 135.12, Code 2009, is amended by striking
29 the section and inserting in lieu thereof the following:

30 **135.12 Office of minority and multicultural health —**
31 **established — duties.**

32 1. The office of minority and multicultural health is
33 established in the department. The purpose of the office
34 is to improve the health of racial and ethnic minorities by
35 bridging communication, delivery, and service requirements,

1 and by providing customized services and practical approaches
2 to problems and issues encountered by organizations and
3 communities working to address the needs of these populations.

4 2. The office of minority and multicultural health shall be
5 responsible for all of the following:

6 a. Serving as the liaison and advocate for the department on
7 minority and multicultural health matters.

8 b. Assisting academic institutions, state agencies,
9 community groups, and other entities in institutionalizing
10 cultural competency within the health care workforce and
11 delivery system through education, training, and practice to
12 effectively address cross-cultural disparity and achieve health
13 equity.

14 c. Promoting community strategic planning.

15 d. Reviewing the impact of programs, regulations, and
16 health care resource policies on the delivery of and access to
17 minority and multicultural health services.

18 Sec. 75. Section 237A.3A, subsection 3, Code Supplement
19 2009, is amended by adding the following new paragraph:

20 NEW PARAGRAPH. e. If the department adopts rules
21 establishing a limitation on the number of hours for which
22 substitute care may be utilized by the provider, such a
23 limitation shall not apply to or incorporate substitute care
24 utilized when the provider is engaged in jury duty or in
25 official duties connected with the provider's membership on a
26 state board, committee, or other policy-related body.

27 Sec. 76. Section 453A.35, subsection 1, Code Supplement
28 2009, is amended to read as follows:

29 1. The proceeds derived from the sale of stamps and the
30 payment of taxes, fees, and penalties provided for under this
31 chapter, and the permit fees received from all permits issued
32 by the department, shall be credited to the general fund of
33 the state. However, of the revenues generated from the tax on
34 cigarettes pursuant to section 453A.6, subsection 1, and from
35 the tax on tobacco products as specified in section 453A.43,

1 subsections 1, 2, 3, and 4, and credited to the general fund
2 of the state under this subsection, there is appropriated,
3 annually, to the health care trust fund created in section
4 453A.35A, the first one hundred ~~seventeen~~ six million ~~seven~~
5 ~~hundred ninety-six~~ sixteen thousand four hundred dollars.

6 Sec. 77. Section 692A.115, Code Supplement 2009, is amended
7 to read as follows:

8 **692A.115 Employment where dependent adults reside.**

9 1. A Unless authorized as provided in subsection 2, a sex
10 offender shall not be an employee of a facility providing
11 services for dependent adults or at events where dependent
12 adults participate in programming and shall not loiter on the
13 premises or grounds of a facility or at an event providing such
14 services or programming.

15 2. An adult sex offender who is a patient or resident
16 of a health care facility as defined in section 135C.1,
17 a participant in a medical assistance program home and
18 community-based services waiver program, or a participant in a
19 medical assistance state plan employment services as part of
20 the participant's habilitation plan shall not be considered to
21 be in violation of subsection 1.

22 Sec. 78. 2010 Iowa Acts, Senate File 2088, section 361,
23 subsection 2, if enacted, is amended to read as follows:

24 2. If a provision of this Act or another enactment of
25 the Eighty-third General Assembly repeals section 135.173
26 and creates the early childhood Iowa state board in new
27 Code chapter 256I, the early childhood Iowa state board
28 shall fulfill the responsibilities assigned to the early
29 childhood Iowa council in subsection 1 and the department of
30 ~~education~~ management shall propose corrective legislation for
31 the provisions of this division of this Act in accordance with
32 section 2.16 for consideration by the Eighty-fourth General
33 Assembly, 2011 Regular Session.